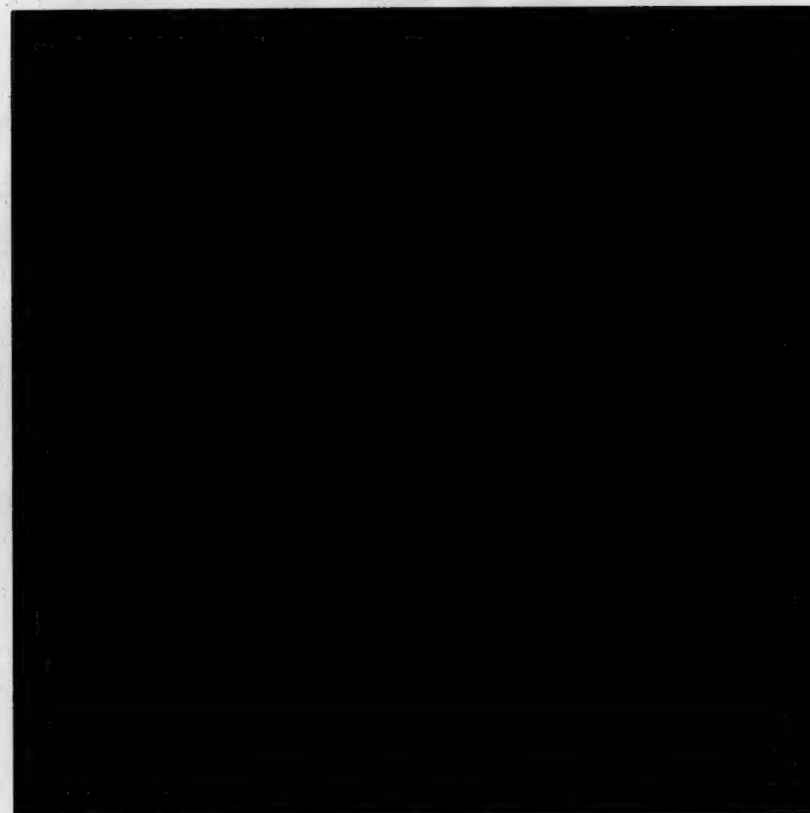
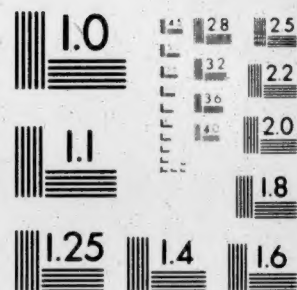
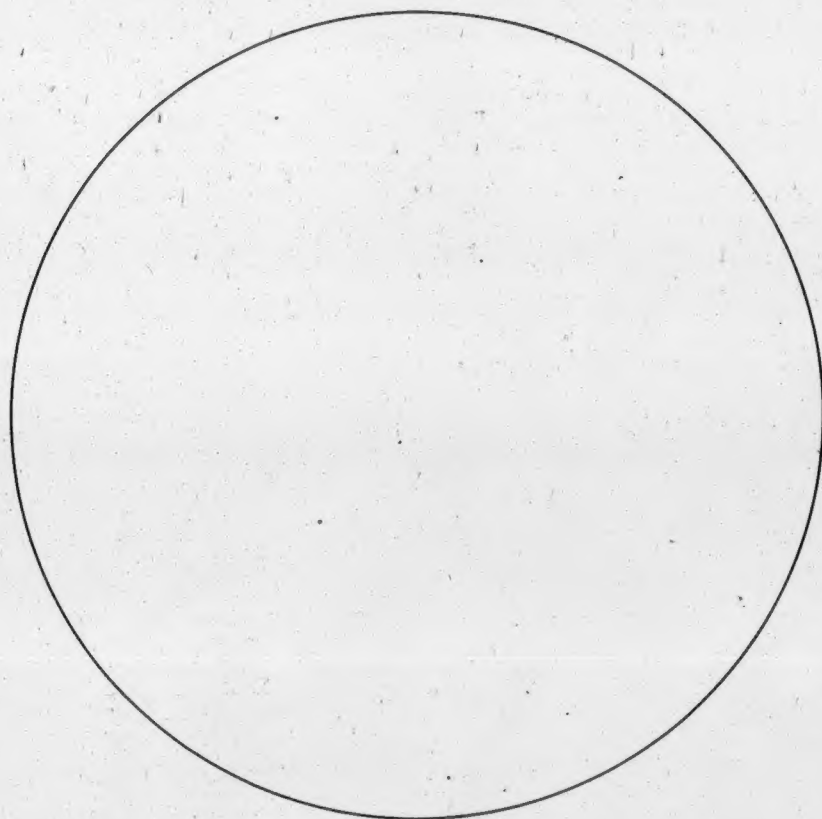
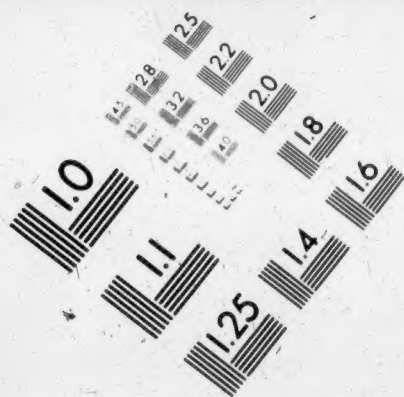
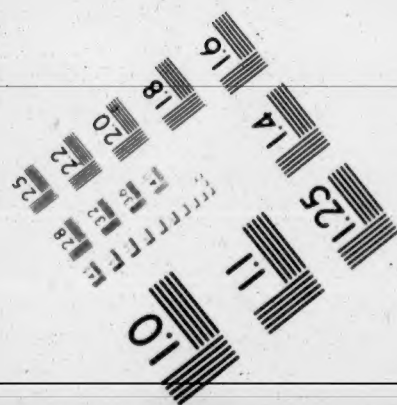
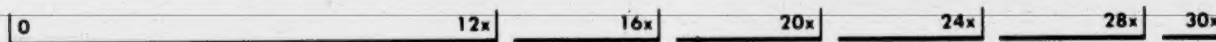




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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 135.

MISSISSIPPI CHOCTOW MCR 4401 - MCR 4498

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Choctaw MCR 4401

Lula M. Keltner

See MCR 4400

MCR 4401

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 20, 1901.

#4401

-----oOo-----

In the matter of the application of Lula M. Keltner for the identification as Mississippi Choctaws of herself and her minor child, Vera Keltner, and her adopted child, Minnie May.

Applicant represented by L. D. Horton, attorney.

Lula M. Keltner, being first duly sworn, on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Lula M. Keltner.  
Q What is your age? A Thirty-three.  
Q How much Choctaw blood do you claim to possess? A One-eighth.  
Q What is your post office address? A Blue, Indian Territory.  
Q How long have you lived there? A Something near a year.  
Q Where did you live before that? A I lived in the Indian Territory three years.  
Q Where did you live before you moved to the Indian Territory?  
A Texas.  
Q Were you born in Texas? A No sir.  
Q Where were you born? A Kentucky.  
Q Then you have lived in Kentucky, Texas and the Indian Territory?  
A Yes sir.  
Q Ever live in Mississippi? A No.  
Q Is your father living? A No sir.  
Q What was his name? A John May.  
Q How old would your father be if living? A Sixty-six.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary M. May.  
Q How old is your mother? A Sixty-six years old.  
Q Through which one of your parents do you claim Choctaw blood?  
A My father.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where were they married? A They was married in Tennessee.  
Q Do you know what year? A No sir, I don't.  
Q Were they married under a marriage license? A Yes sir.  
Q By a minister or an official? A Justice of the Peace.  
Q Have you their marriage license and certificate with you?  
A No sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother by filing wither the original marriage license and certificate or a certified copy of the same.

Lula M. Keltner--2.

- Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A J. H. Keltner.  
Q Does he make any claim to Choctaw blood? A No.  
Q Do you make any claim for him? A No sir.  
Q Have you any children for whom you desire to make application at this time? A Yes sir.  
Q Give their names and ages please? A My own child is Vera.  
Q Vera Keltner is that? A Yes sir.  
Q How old? A Eleven years old.  
Q Do you desire to make application for any other minor children?  
A My adopted daughter.  
Q What is the name of that adopted daughter? A Minnie May.  
Q Whose child is she? A My brother's.  
Q Both of the parents of Minnie May dead? A Yes sir.  
Q Is this adoption of this child in a legal way? A Yes sir.

Attorney here states that he will file court papers covering the adoption of the child.

- Q What is Minnie May's father's name? A John May.  
Q He is dead, is he? A Yes sir.  
Q When did he die? A He has been dead about ten years---no sir, he's been dead about---I don't know just how long.  
Q What was the name of Minnie May's mother? A J. M. May.  
Q Is she dead? A Yes sir.  
Q How old is Minnie May? A She's nineteen.  
Q How much Choctaw blood do you claim for Minnie May?  
A One-sixteenth I guess. Her father was one-eighth.  
Q Does she claim her Choctaw blood through her father?  
A Yes sir.  
Q Have you evidence of the legal marriage of your deceased brother John May and his wife? A No sir.

It will be necessary for you to file with the Commission evidence of the legal marriage of your deceased brother and his wife in support of your application for identification of their daughter as a Mississippi Choctaw.

- Q Does John May, your deceased brother, derive his Choctaw blood from the same source you do? A Yes sir.  
Q Then this application is for yourself, your daughter and your adopted child? A Yes sir.  
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or by the authorities of the United States? A No sir.  
Q Is your name or the name of your child or your adopted child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.  
Q Wouldn't you know if the Indian Territory officials had put your name on their rolls? A I think they never---  
Q You are not on the rolls then? A No sir.  
Q Did you or anyone for you or for your minor child or for your adopted child, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.



Lula M. Keltner--3.

- Q Did you or anyone for you or for your minor child or for your adopted child in the year 1896 make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your minor child or your adopted child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself, your minor child or your adopted child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights to the Choctaw lands in Indian Territory, for yourself, your minor child and your adopted child, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded in Mississippi on the 27th of September, 1830? A Yes sir, of 1830.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27th of September, 1830. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw nation to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to go to this new country, but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Lula M. Keltner--4.

This fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi and Alabama and receive lands from the government under its provisions, he should, within six months after the ratification of the treaty, (the treaty was ratified on the 24th day of February, 1831) go before the government Agent and signify to him, that is, tell him that he wanted to remain in the old Choctaw nation in Mississippi and Alabama, become a citizen of the states and accept lands under its provisions. When he had done this he was then entitled to a reservation as head of the family of one section or six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child living with him unmarried and over ten years of age he was entitled to one half that quantity or three hundred and twenty acres of land, and a quarter section for each child under ten years of age; the reservation of the children to adjoin the reservation of the parent, and the reservation to include any improvements owned by the head of the family at the time the treaty was made, the 27th of September, 1830.

This Article also required that a Choctaw who received lands under its provisions should reside upon said lands for a term of five years, after which time the government would give him a title in fee simple, enabling him to dispose of the lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation in Mississippi and Alabama and fully complied with all of the provisions of this article by accepting lands and residing upon the same for a term of five years, did not forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, but if he ever removed that he did forfeit any rights he might have to claim a portion of the Choctaw annuity. Annuity was money paid to the Choctaw tribe of Indians by the government under treaty provisions.

Q You think you understand that now with that explanation?

A Yes sir.

Q Now what is the name of your ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded? A May.

Q What was his given name? A I don't know what it was.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made?

A I can't answer that question.

Q Did any of your Choctaw ancestors own improvements at that time?

A I don't know.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama between the years 1833 and 1838, when the emigration of the Choctaws took place, that is, when the Choctaws came to the Indian Territory? A I couldn't answer that.

Lula M. Keltner--5.

- Q Did any of your Choctaw ancestors, within six months from the date of the ratification of this treaty, that is, within six months from the 24th day of February, 1831, go before the government Agent in Mississippi and tell him they wanted to stay in Mississippi and take lands under the provisions of this article? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any benefits from the United States government as Choctaw Indians? A I don't know.

In accordance with the provisions of this fourteenth article, the government directed the Agent in Mississippi to register the names of all those Choctaws who wanted to remain in the old Choctaw Nation in Mississippi and Alabama, become citizens of the states and take lands under the provisions of this article. The records of the government show that this Agent failed to register the names of a great many Choctaws who did signify their intention to remain in the state and accept benefits under this article. On this account, in many instances, the lands on which the Indians had improvements and which they desired to reserve for them, was sold at the public land sales of the government. This caused a great many complaints and these complaints finally reached Congress, and Congress, under various acts, appointed Commissions to go into the state of Mississippi and examine these claims. These Commissions investigated a large number of claims; some they allowed, and others they rejected. Of the claims allowed, if approved by the Secretary of War and the President and the lands had not been sold by the government, the Indians were put in possession of such lands. If, however, the lands had been sold and these Indians established their claims to them, they were given scrip. Under this scrip they were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish any claims to lands under this fourteenth article? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any lands in the states of Alabama, Louisiana, Mississippi or Arkansas? A Not that I know of.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government through any one of these Commissions in lieu of lands which they had lost by having been sold by the government? A My grandfather I suppose had something of that kind. He gave it to my mother and it got burnt up.
- Q Do you know what kind of a paper that was? A It was a blue piece of paper.
- Q Do you know what it called for? A No sir, because my mother kept it a secret from us.
- Q Do you know when he got that paper? A No sir.
- Q Did you ever hear whether that paper called for any lands from the United States government? A I don't know. It was supposed to be something of that kind.
- Q It is only supposition on your part? A No sir.



Lula M. Keltner--6.

- Q You have no proof it was for lands at all? A No sir. My grandfather gave it to my mother before he died, and told her if she lived long enough it would be of some benefit to her some day.
- Q You say this paper was burnt up when? A About nineteen years ago ; I guess it was.
- Q You do not know what that paper was? A No sir.
- Q Did you ever hear any of your family say what it was? A No sir.
- Q Ever hear your mother say what it was? A No sir, for she kept it a secret from us.
- Q Did any of your Choctaw ancestors ever get land from the United States government as Choctaw Indians? A No sir, not that I know of.
- Q You say this paper was given to your mother by your father? A My grandfather.
- Q Where did they live at that time? A Kentucky.
- Q Do you know if any of your Choctaw ancestors ever resided in the state of Mississippi? A No sir.
- Q All you know of your Choctaw descent is that you are descended from Choctaw Indians who resided in the state of Kentucky? A No sir, in the state of Mississippi.
- Q You say in the state of Mississippi? A Yes sir.
- Q Which one of your Choctaw ancestors lived in the state of Mississippi? A It was my great-grandfather.
- Q How do you know your great-grandfather lived in the state of Mississippi? A From what I have heard my father speak of.
- Q You have no proof of the fact? A No sir.
- Q All you know about it is through family history? A Yes sir.
- Q Do you know what year he lived in Mississippi--at what time? A No sir, I don't.
- Q Do you know of the existence of any other documentary evidence except this paper which you say has been burned up, that would tend to show that your ancestors ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q You do not know whether or not that paper which was burnt up would tend to show that your ancestors ever complied with the provisions of the fourteenth article of this treaty? A Well I don't know.
- Q Is there any member of your family that can come before this Commission and testify as to what that paper contained; if it contained any evidence that would tend to show the compliance of your ancestors with the provisions of the fourteenth article of the treaty of 1830? A I have got one sister that read some; enough to see some of the names I think on it; May names.
- Q Do you propose to bring that sister before the Commission to give her testimony to show that that paper showed that your ancestors did comply with the provisions of the fourteenth article? A No, it was just some of the names of the Mays on it..
- Q Do you intend to bring that sister before the Commission and will she testify that that paper will show that your ancestors complied with the provisions of the fourteenth article of that treaty? A Well I don't know about that.



Lula M. Keltner--7.

- Q Do you know of any witness that you can bring before the Commission that can testify that your Choctaw ancestors lived in Mississippi in 1830 at the time that treaty was made, and complied with the provisions of this article, and took lands as Choctaw Indians under this article? A I don't know.
- Q You do not know of any such witness you could bring? A No sir.
- Q Are you a sister of Mary E. Darnell who made application to-day for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you desire the evidence in her case to be considered as part of the evidence in your case? A Yes sir.

Reference is made to M.C.R. 4400, Mary E. Darnell et al

- Q Is there any other statement you desire to make? A No sir.
- Q Have you any papers you want to file with the Commission? A Yes sir, attorney has the papers.

Applicant submits her sworn petition and certificate showing joint adoption by herself and husband, James H. Keltner, of Minnie May a female child of J. H. May and J. M. May. Also the affidavit of Mary M. May mother of applicant. These documents are filed and made a part of the record in this case and marked Exhibits "A", "B" and "C".

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has light hair of a reddish cast, grayish blue eyes, fair complexion; has the features and appearance of a person descended from white parentage; does not speak or understand the Choctaw language; has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Subscribed and sworn to before me this \_\_\_\_\_ day of December, 1901.

\_\_\_\_\_  
Commissioner.

Wuskogee, Indian Territory, February 5, 1903.

Lula M. Beltner,

Blue, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated cases of Mary E. Darnell, et al., embracing the following applications for identification as Chickasaw Indians:

Mary E. Darnell, et al.,	M.C.R. 4400
Lula M. Beltner, et al.,	M.C.R. 4401
Maggie Wilson, et al.,	M.C.R. 4402.

These applications were made under the provision of the Act of Congress of June 20, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of all of our Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, signed at Washington, May-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other duties and functions, and all in respect to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to establish the identity of Mary E. Darnell, Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell, Maggie Darnell, Lula M. Beltner, Vera Beltner, Annie May Beltner, Addie Wilson and James Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

L. M. K. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*C. R. Brockmeyer*  
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 15, 1903.

Lula M. Keltner,

Blue, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of June 18, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"It seems that the principal applicants, Mary E. Darnell and Lula M. Keltner, obtained their Choctaw blood from their father, John May; that he was the son of Elijah Allen May, who was an one-half blood Choctaw, and that the father of the latter was one John (or George) May.

In connection with the case there has been filed the affidavit of George Colbert, from which it appears that the Choctaw name of George May was George May-ca-tubbe, and that he has a son named Marshan May-ca-tubbe, and that the former resided in 1843 near Peach Tree Creek, Pontotoc County, Mississippi being then 65 years of age.

From the affidavit of Mary May, mother of these applicants, it appears that certain of their ancestors were residents of Mississippi and that they claimed property rights in the Choctaw Nation, Indian Territory, as former residents of the Choctaw Nation, Mississippi.

March 17, 1903, and April 14, 1903, the Acting Commissioner of Indian Affairs furnished reports in the matter, recommending that your action be approved. In the latter report the Acting Commissioner furnished the names of certain persons who complied or attempted to comply with the provisions of article 14

L M K 2

of the treaty of 1830, as follows: Me-ah-tubbee; Me-ah-to-tubbee; Me-hah-tubbee; Me-ha-tubbee; Me-yah-tubbee; Me-he-tubbee; Mi-ah-tubbee.

Considering the facts that the ancestors of these applicants were Choctaws by blood; that they were residents of the Choctaw Nation in Mississippi, and that their names were similar to those of certain persons who attempted to comply with the provisions of article 14 of the treaty of 1830, it is considered that said applicants should be allowed further time, if they desire, in which to present additional testimony in support of their claims."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
  - 3rd. Their Choctaw as well as their English names.
  - 4th. The names and number of the persons who composed their families.
  - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw

L M K 3

cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 15, 1906, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered

M.C.R. 4401

Muskogee, Indian Territory, May 31, 1904.

Lula W. Keltner,

Blue, Indian Territory,

Dear Madam:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary B. Darnell et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

By direction of the Secretary of the Interior, there are returned to you herewith two tintype pictures, designated as Exhibits A and B, forming a part of the record in this case.

Respectfully,

(SIGNED)

*James Dinty.*  
Chairman.

Enc. Tintypes,  
Exhibits A & B.

# For Identification as a Mississippi Choctaw.

Name *Lula M. Keltner*

Age *23* Birth *1898*

Post Office *Blue Ridge*

Father *John May* Grand

Mother *Mary M* ✓

*Walter* ✓

*J. M. Keltner*

*no claim for him*

*Claim for self, this and*  
*adopted*

*Vera Keltner* 11

*adopts child*

*John May* 1805

*Mother* 1805

*Claim this father* 1805

*Mary May* 19 '16

Stenographer

*A. G. McMillan*



Choctaw MCR 4402

Hattie Wilson

See MCR 4400

MCR 4402

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 20, 1901.

#4402.

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In the matter of the application of Hattie Wilson for the identification as Mississippi Choctaws of herself and her minor child, James Wilson.

Applicant represented by L. D. Horton, attorney.

Hattie Wilson, being first duly sworn, on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Hattie Wilson.  
Q What is your age? A Nineteen.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q What is your post office address? A Antlers.  
Q Indian Territory? A Yes sir.  
Q How long have you lived there? A We are just moving there.  
Q Just moving there now? A Yes sir.  
Q Where did you live before you commenced to move? A Fannin County.  
Q Where's that? Texas? A Yes sir.  
Q Were you born in Texas? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A Jim Ward.  
Q How old would your father be if living now? A I don't know--- up to fifty something.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary Darnell.  
Q Your mother married twice then? A Yes sir.  
Q Was Jim Ward her first husband? A Yes sir.  
Q How old is your mother? A Forty years old.  
Q Through which one of your parents do you claim Choctaw blood?  
A Mother.  
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A W. D. Wilson.  
Q He's living, is he? A Yes sir.  
Q Does he claim any Choctaw blood? A No sir.  
Q Do you make any claim for him? A No sir.  
Q Have you any children for whom you desire to make application at this time? A Yes sir.  
Q Give their names and ages please? A James Wilson.

Hattie Wilson--2.

- Q How old is he? A Ten months old.
- Q Then this application is for yourself and your minor child?
- A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming a share in the lands of the Choctaw Nation in Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th of September, 1830? A Yes sir.

That treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. At the time this treaty was made some of the Choctaws did not want to go to this new country, but wanted to remain in the old Choctaw Nation, and for the benefit of that class of Indians article fourteen was made a part of that treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall

Hattie Wilson--3.

issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the states and accept lands under the provisions of it, he should, within six months from the ratification of the treaty, (the treaty being ratified on the 24th day of February, 1831) go before the government Agent in Mississippi and signify to him, or tell him he intended to remain in the state of Mississippi and take lands under its provisions. After doing this he would then be entitled to a section of six hundred and forty acres of land, and for each child unmarried and over ten years of age he would be entitled to onehalf that quantity, or three hundred and twenty acres of land, and for each child under ten years of age he would be entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and the reservation to include any improvements owned by the head of the family at the time the treaty was made, September 27, 1830.

This article also required that a Choctaw who had accepted lands under this article should reside upon said lands for a term of five years, after which time the government would give him a title in fee simple which would enable him to dispose of the lands at his pleasure. The last clause of this article is as follows:

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in Mississippi and complied with the provisions of that article by accepting lands and residing upon the same for a term of five years, would not forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, but he would forfeit any rights which he might have to claim any portion of the Choctaw annuity. Annuity was money paid to the Choctaw tribe of Indians under treaty provisions by the government.

- Q Do you think you understand that article? A Yes sir.
- Q Do you know the name of your ancestor who lived in Mississippi in 1830 at the time that treaty was made? A No sir.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians at that time? A No sir.
- Q Do you know if any of your Choctaw ancestors owned any improvements at that time or not? A No sir.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory between the years 1833 and 1838, when the Indians moved to the Indian Territory? A I don't know.

Hattie Wilson--4.

- Q Did any of your Choctaw ancestors, within six months from the ratification of this treaty, within six months from the 24th of February, 1831, go before the government Agent in Mississippi and tell him they wanted to stay there and take lands under the provisions of the fourteenth article of the treaty of 1830?
- A I don't know.
- Q Did any of your Choctaw ancestors receive any lands from the United States government under the provisions of this article fourteen? A I don't know.

In accordance with the provisions of this fourteenth article, the government directed the Agent in Mississippi to register the names of all those Choctaws who desired to remain in Mississippi and Alabama and wanted to become citizens of the states and take land under this article. The records of the government show that the Agent failed to register the names of a great many Choctaws who really did go before him and signified their intention to remain in the State of Mississippi and take lands under this article. On this account, in many instances, lands on which Indians had improvements, and which they desired to reserve for them, was sold at the public land sales of the government. This caused a great many complaints, and these complaints finally reached Congress. Congress appointed Commissions to go into Mississippi and investigate these claims. These Commissions investigated a great many claims; some they allowed and some was rejected. Of the ones allowed, if approved by the Secretary of War and the President and the lands had not been sold, the Indians were put in possession of the lands. If, however, the lands had been sold and the Indians proved their claims under this article, they were given scrip, and under this scrip they could locate on vacant government lands in Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish their claims for land under this fourteenth article? A I don't know.
- Q Did any of your Choctaw ancestors own lands in the state of Alabama, Louisiana, Mississippi or Arkansas? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government issued by these Commissions in lieu of lands which they had established claim to and which had been sold by the government? A I don't know.
- Q So far as you know, did any of your Choctaw ancestors receive any benefits from the United States government as Choctaw Indians? A I don't know.
- Q Do you know of the existence of any documentary evidence (by documentary evidence I mean papers, deeds to lands, or patents,) that would tend to show that any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Do you know of any witnesses that you could bring before this Commission that would testify that your ancestors through whom you claim Choctaw descent, ever complied or attempted to comply with the provisions of this article fourteen of this treaty?
- A No sir.

Hattie Wilson--5.

Q Is Mary Darnell who made application to this Commission to-day for identification as a Mississippi Choctaw your mother?

A Yes sir.

Q Do you desire the record made in her case to be considered a part of the record in your case? A Yes sir.

Q Is there any further statement you desire to make at this time?

A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has light hair of a reddish cast, grayish blue eyes, fair complexion; has the features and appearances of a person descended from white parentage; does not speak or understand the Choctaw language; has no knowledge of her ancestors beyond her father and mother, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Attorney submits sworn petition and affidavit of Mary W. May.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

  
Subscribed and sworn to before me this 21 day of December, 1901.

  
Commissioner.

Muskogee, Indian Territory, February 5, 1903.

Hattie Wilson,

Antlers, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary E. Darnell, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary E. Darnell, et al.,	M.C.R. 4400
Lula M. Keltner, et al.,	M.C.R. 4401
Hattie Wilson, et al.,	M.C.R. 4402.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, 1830, and entered in July, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Darnell, Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell, Jessie Darnell, Lula M. Keltner, Vera Keltner, Minnie May Keltner, Hattie Wilson and James Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."



H. W. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. B. [Signature]

Commissioner in Charge.

Registered.



Muskogee, Indian Territory, July 15, 1903.

Hattie Wilson,

Antlers, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of June 18, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"It seems that the principal applicants, Mary E. Darnell and Lula M. Keltner, obtained their Choctaw blood from their father, John May; that he was the son of Elijah Allen May, who was an one-half blood Choctaw, and that the father of the latter was one John (or George) May.

In connection with the case there has been filed the affidavit of George Colbert, from which it appears that the Choctaw name of George May was George May-ea-tubbe, and that he has a son named Mershan May-ea-tubbe, and that the former resided in 1843 near Peach Tree Creek, Pontotoc County, Mississippi, being then 65 years of age.

From the affidavit of Mary May, mother of these applicants, it appears that certain of their ancestors were residents of Mississippi and that they claimed property rights in the Choctaw Nation, Indian Territory, as former residents of the Choctaw Nation, Mississippi.

March 17, 1903, and April 14, 1903, the Acting Commissioner of Indian Affairs furnished reports in the matter, recommending that your action be approved. In the latter report the Acting Commissioner furnished the names of certain persons who complied or attempted to comply with the provisions of article 14

of the treaty of 1830, as follows: Me-ah-tubbee; Me-ah-te-tubbee; Me-hah-tubbee; Me-ha-tubbee; Me-yah-tubbee; Me-he-tubbee; Mi-ah-tubbee.

Considering the facts that the ancestors of these applicants were Choctaws by blood; that they were residents of the Choctaw Nation in Mississippi, and that their names were similar to those of certain persons who attempted to comply with the provisions of article 14 of the treaty of 1830, it is considered that said applicants should be allowed further time, if they desire, in which to present additional testimony in support of their claims."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
  - 3rd. Their Choctaw as well as their English names.
  - 4th. The names and number of the persons who composed their families.
  - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw

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cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 15, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep

Registered

Muskogee, Indian Territory, May 31, 1904.

Hattie Wilson,

Antlers, Indian Territory,

Dear Madam:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary E. Darnell et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Chairman.

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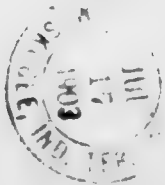


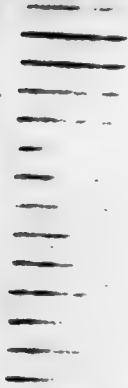
Department of the Interior.

Office of the Five Civilized Tribes,  
Muskogee, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.





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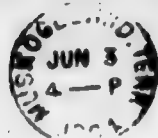
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Department of the Interior.

Chief of the Bureau of Land Management.

MUSKOGEE, IND. TER.



~~Native Village,~~

Antlers, Indian Territory.

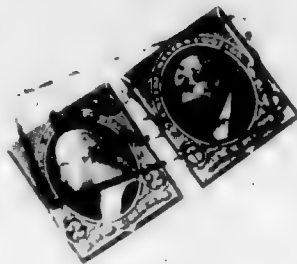


SESSION 10: 10:00 AM - 11:00 AM

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Department of the Interior:

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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Hattie Wilson,

Antlers, Ind. Territory.

No. 4162

For Identification as a Mississippi Choctaw.

Date

Name - Fattie Wilson

Age 19 Date 1/16

Post Office - Antlers I.T.

Father Jim Ward Head

Mother Mary Barnett ✓

husband W. D. Wilson ✓  
No claim for him

Claims for self & children ✓

Sister Wilson 10 m

Stenographer W. G. McMillan

Choctaw MCR 4403

Arden Jamison

MCR 4403

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE NEW CIVILIZED TRIBES.

In the matter of the application of Arden Jamison, of al.,  
to the title to the Mississippi Choctaw, N.J. 1440.

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4403  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 16th, 1901.

In the matter of the application of Arden Jamison for the identification of himself and his wife Hattie as Mississippi Choctaws.

Said Arden Jamison, being first duly sworn, testified as follows:- (Oscar Riley, official interpreter).

Examination by the Commission.

- Q What is your name? A Arden Jamison.  
Q How old are you? A Twenty-three I think.  
Q How long Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Carthage.  
Q How long have you lived in Leake County? A All my life.  
Q You never have been in Indian Territory, have you? A No.  
Q Is your father living? A No sir.  
Q What was his name? A Jamison.  
Q What other name did he have? A I don't know.  
Q Is that all you know? A Yes.  
Q Didn't he use a Choctaw name? A I don't know.  
Q How long has your father been dead? A About twenty-three years.  
Q You don't remember him then? A No.  
Q Do you know whether he always lived in Mississippi? A Yes, I understand he always lived here.  
Q You think he was a full blood Choctaw, is that? A Yes.  
Q Is your mother living? A Yes.  
Q What is her name? A Sallie Dixon.  
Q Is Sallie a full blood Choctaw? A Yes.  
Q Has she always lived here in Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q Do you know the name of Sallie's father or her mother? A Solomon York.  
Q Do you know Sallie's mother's name? A I don't know.  
Q Do you know the name of your father's father? A I don't know.  
Q Or his mother? A No.  
Q Solomon York lives here in Leake County, does he not? A Yes.  
Q Has he a Choctaw name? A I don't know.  
Q As far as you know, have all of your ancestors always lived here in Mississippi-your forefathers, your old folks? A I don't know.  
Q Did you ever hear of any of them ever living anywhere else? A No.  
Q Are you married? A I am married.  
Q What is your wife's name? A Hattie.  
Q Is she a full blood Choctaw? A Yes.  
Q About how old is she? A About twenty I reckon.  
Q Were you married to Hattie under a license or according to the Choctaw custom? A License.  
Q Where did you get your license? A Carthage.  
Q When were you married to her? A Three years ago I reckon.  
Q Who married you? A Scott York.  
Q A Choctaw minister, is he? A Yes.  
Q Where were you married? A In Attala County.  
Q Are you and Hattie living together now? A No sir.

- Q How long have you been separated? A About a month.
- Q You didn't get a divorce from her or she didn't get a divorce from you? A No sir.
- Q Have you separated for good? A I reckon so.
- Q Have you any children? A No sir.
- Q What is Hattie's father's name? A Solomon Sockey.
- Q Is he living? A Yes.
- Q Where does he live? A He lives in Attala County.
- Q Has he a Choctaw name? A If he has I don't know it.
- Q He has been before the Commission this year has he not? A I don't know.
- Q Do you know the name of Solomon's father or his mother? A I don't know.
- Q Has he always lived in Mississippi? A Yes, I reckon so.
- Q Is he a full blood Choctaw? A Yes.
- Q Is your wife's mother living? A Yes.
- Q What is her name? A I don't know.
- Q Is she a full blood Choctaw? A Yes.
- Q You have seen her, have you? A Yes.
- Q Has she always lived in Mississippi? A Yes.
- Q Do you know the name of her father? A No.
- Q Or of her mother? A No.
- Q This application then is for yourself and wife, is it? A Yes.
- Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Did you or did your wife or anyone for either of you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as members of that Tribe? A No.
- Q Did you or any one ~~for~~ for you, or your wife or any one for her, in the year ~~make~~ 1891 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I don't know.
- Q Did you ever hear of any application having been made for either of you at that time? A Never heard.
- Q You didn't make any application yourself, did you? A No.
- Q Have you ever made any application before today for yourself or your wife to be admitted or enrolled as members of the Tribe? A Yes.
- Q When? A Three years ago at Carthage, Mississippi.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant and his wife Hattie as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 69, also on page 43 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 256 and 257 respectively thereon.

- Q Is this application made for or on behalf of your wife three years ago the only application of any kind that has ever been made for you?
- A Yes, that's all.
- Q Do you appear before the Commission at this time for the purpose

of claiming rights in the Choctaw lands in Indian Territory for yourself and wife under article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions Choctaws who preferred to stay here in Mississippi might receive land here from the Government.

Q To your understanding that 14th article? A Yes.

Q You have heard it explained, have you not, by the Commission?

A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made?

A I don't know.

Q Had any of them come as immigrants here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1831 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Never heard.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A Never heard.

Q Did you ever hear of any of your people or any of your wife's people ever having gotten any land here in Mississippi from the Government? A Never heard.

Q Or ever having gotten any money from the Government? A Never heard.



treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land under article 14 of the treaty. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So, another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was appointed by the President of the United States and the Commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?  
A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrips.

Q Did any of your ancestors or any of your wife's ancestors ever receive a scrip from the Government of the United States under the act of Congress? A Never heard.

Q Do you know any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

A I don't know anyone.

Q Have you any witnesses here today? A No.

Q Are there any further statements you desire to make in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission in Muskogee, Indian Territory, within a reasonable time and their testimony will be heard.

Q So far as you know, were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did you ever hear of any of them ever having lived in Indian Territory? A Never heard.

Q Have you any brothers living? A Yes, one.

Q What is his name? A Huddleston Sam.

Q Is he your full brother? A No, half brother. Same mother but a different father.

Q Have you any other brothers living? A No.

Q Have you any brothers dead? A Yes.

Q How many? A Two of them.

Q Were they older or younger than you? A Older.

Q Were either of them married at the time of their death? A Yes.

Q Had either of them leave any children? A Yes.

Q How many? A The oldest one had three children and the youngest one had one.

Q Are these three children living now? A Yes.

Q Where do they live? A Columbus, Mississippi.

Q What are their names? A Finis, Mike and Reuben Janison.

Q What was their father's name? A Hickman Janison.

Q How long has Hickman been dead? A About 11 or 12 years.

Q What are the children of Lula Janison, are they? A Yes.

Q What is the name of the child of your other brother who is dead?

A Choctaw name is Wisey, English name Lula Janison.

Q Where does she live? A She lives with Davis Jacoway.

Q How old is this child? A I don't know.

Q What is the name of the mother of that child? A Sealy.

Q Is that child about thirteen years old? A Yes, it lives with Sealy Jacoway.

Q Have you any other brothers or half brothers besides those you have named? A No.

Q Have you any sisters living? A Yes, half sister living.

Q What is her name? A Phelia Sam, the wife of John Dixon.

Q Have you any other half sisters? A No.

Q Have you any full sisters or half sisters who are now dead?

A Yes.

Arden Jackson et al---6

Q Did any of them leave children? A Yes.  
Q How many? A Just one.  
Q Is that child living now? A Yes.  
Q What is its name? A Bettie Martin.  
Q Does she live with Columbus Dixon? A Yes.  
Q Are any of your father's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their children living? A Yes.  
Q How many? A One brother of hers.  
Q What is his name? A Scott York.  
Q Does he live in Lake County? A Yes.  
Q Has your mother any brothers dead? A I don't know.  
Q Has your mother any sisters living? A Yes, two living.  
Q What are their names? A Eliza.  
Q Eliza what? A Eliza Jim, the wife of Simpson Jim.  
Q What is the name of the other one? A I don't know her name but she is the wife of Julius Isom; he lives near Hays.  
Q Are any of your mother's sisters dead? A Yes, one.  
Q Did she leave any children? A No.  
Q Has your wife any brothers or sisters living? A Yes.  
Q Are any of them of age? A Yes.  
Q Do you know their names? A Rafe.  
Q Next one? A Will.  
Q Is that all? A Yes.  
Q Are any of your wife's father's brothers or sisters living? A I don't know.  
Q Has he any brothers or sisters dead? A I don't know.  
Q Has your wife's mother any brothers or sisters living? A I don't know.  
Q Are any dead? A I reckon so.  
Q How many dead? A I don't know.  
Q Did any of them leave children? A I don't know.

This applicant has the appearance of being a full blood Indian, speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

Ira C. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 16th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken at said proceedings on said date.

Subscribed and sworn to before me this the 19th day of December, 1901 at Carthage, Mississippi.

*E. A. Moody*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Copy

In the matter of the application of Arden Jamison, et al.,  
Mississippi Choctaws, N.C. 4403.

.....

It appears from the record herein that application for  
recognition as Mississippi Choctaws was made to the Commission  
on December 11, 1901, by Arden Jamison for himself, and his wife,  
Hattie Jamison, under the following provision of the act of Congress  
of July 3, 1898, (30 Stat., 495):

"Said Commission shall have authority to let main-  
tain the rights of Choctaw Indians claiming rights in the  
Choctaw lands under article 5 of the treaty between the United States and the Choctaw Nation, concluded  
September 8, 1830, of the 18th of March, 1831,  
and to let and grant land to them, examine and let  
and grant all other lands belonging to them and to  
the Choctaw Nation of the Interior."

For the evidence submitted in support of said application  
the Commission has held that the said Mississippi  
Choctaws are entitled to recognition.

Section 1 of the act of Congress entitled "An Act  
to provide for the recognition of the Choctaw and Chickasaw  
tribes of the State of Mississippi," approved July 3, 1898,

... 1892, and ratified by the Choctaw and Chickasaw Nations  
... provided as follows:

"The application of no person for identification  
... shall be received by said Com-  
... subsequent to the date of the  
... of this agreement and in the limi-  
... applications all full-blood Mississippi  
... seen with of any Mississippi  
... of full or mixed blood who re-  
... under the said fourteenth ar-  
... of either Indian and their  
... of the said treaty of 1830, and the  
... Choctaw-Chickasaw treaty of June twenty-  
... and thirty, of it, shall be  
... Choctaws, Chickasaws, and  
... of the said treaty of  
... and thirty,  
... said Commission, and  
... shall be the only  
... shall not be invoked by, or  
... of the applicant who is not a  
... full blood, or he is not  
... Choctaw and Chickasaw  
... of either Indian and their  
... Choctaw  
... of Choctaw and Chickasaw  
... shall be upon a regular roll."

It is the intent of this Commission that the  
... should be identified as Mississippi  
... it is so stated.

WILLIAM H. ...

*[Handwritten signatures and stamps]*  
Commissioner  
Commissioner  
Commissioner

W.C.N. 4403

Washburn, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Arden Jamison and his wife, Hattie Jamison as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Arden Jamison, and his wife, Hattie Jamison, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

James D. Kirby,  
Acting Chairman.

Registered.

Enc. 44

.C.R. 4403

Muskogee, Indian Territory, March 11, 1903.

Arden Jamison,  
Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Hattie Jamison as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED

*Tamc Tracy.*

Chairman.

Registered.

Enc. 4403.

M C R 4403

Muskegee, Indian Territory, August 12, 1904.

J. E. Whitehead,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask to be advised of the date upon which Arden Jamison was identified as a Mississippi Choctaw, also as to what record the Commission has regarding his removal and settlement.

In reply to your letter you are informed that it appears from our records that on February 14, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Arden Jamison and his wife, Hattie Jamison, as full blood Mississippi Choctaws. It does not appear that any proof of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, by Arden Jamison has ever been submitted to this Commission.

Respectfully,

Commissioner in Charge.



M.C.R.  
4474, 4408, 4403  
Choctaw 4840

Muskogee, Indian Territory, July 9, 1903.

J. J. [unclear],

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledge of your communication of June 27, 1903, in which you ask to be advised if West Amos and family have been identified; also if Rosa Anderson, wife of Robert Anderson, has been enrolled as an inter-married citizen of the Choctaw Nation and if the minor children born to her in November, 1902, can be enrolled. You also ask how to proceed to get Bettie Martin, granddaughter of Gullie Wilson, enlisted and what are the necessary steps to be taken in order to secure an allotment for Arden Jarison who died January 1, 1903, prior to his identification as a Mississippi Choctaw on February 14, 1903.

Replying to your communication you are advised that it appears from our records that Wes Amos, his wife, Bessie, and minor children, Jasper, Dora, Cleveland, Bennett and Willie Amos were on April 22, 1903, duly identified by this Commission as Mississippi Choctaws, and on May 6, 1903, the principal applicant, Wes Amos, was duly notified of such decision.

You are further advised that it appears from our records that Rosie Anderson, wife of Robert Anderson, post office Atoka, Indian Territory, is an applicant to this Commission for enrollment

J.J.Beckham---2

as an inter-married citizen of the Choctaw Nation. Up to the present time no decision has been reached as to the rights of Rosie Anderson to enrollment as an inter-married citizen of the Choctaw Nation, but the Commission is now considering her application and when that decision is rendered she will be duly notified thereof.

Relative to right to enrollment of the two minor children of the above mentioned Rosie Anderson born about November, 1902, your attention is directed to the following provision of the act of Congress approved July 1, 1902, and ratified by the Choctaw and Chickasaw Nations on September 28, 1902:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations."

Under the above provision the Commission is now without authority to receive or consider the application of any person for enrollment as a citizen by blood or intermarriage of the Choctaw Nation.

You are further advised that it does not appear from our records that Sallie Dixon has appeared before either of the law offices in the Choctaw and Chickasaw Nations and made proof of settlement and application for allotment of land for herself and Nettie Martin.

With reference to the death of Arden Carlson there is enclosed you herewith blank form for proof of death and you are requested to have same properly filled out and returned to this Commission at the earliest possible time. When the records of the Com-

J.J.B.---3

mission are completed in this respect your request relative to the procedure necessary to secure an allotment for him will receive further consideration.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 7, 1903.

A. J. Beckman,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask if the names of Sanders Benton or Sanders Barcus; Wes Amos and wife Lizzie Amos and children, Jasper, Dora, Bennett, Willie and Clabe; and Sallie Jamison, mother of Ardin Jamison, appear upon the roll of identified Mississippi Choctaws.

In reply you are informed that it does not appear from our records that any person by the name of Sanders Benton or Sanders Barcus is an applicant to this Commission for identification as a Mississippi Choctaw.

Our records do show, however, that Wes Amos made application to this Commission for the identification of himself, his wife, Lizzie, and their minor children, Jasper, Dora, Cleveland, Bennett and Willie Amos, as Mississippi Choctaws. The Commission has not up to the present time rendered any decision relative to the right of these applicants to be identified as Mississippi Choctaws.

The records of the Commission further show that at the time Arden Jamison made application for identification as a Missis-

J J B 2

issippi Choctaw he testified that the name of his mother was Sallie Dixon.

On December 17, 1901, Columbus Dixon made application to this Commission for the identification of himself, his wife Sallie, and granddaughter Bettie Martin, as Mississippi Choctaws. The Commission, on February 14, 1903, rendered its decision identifying these applicants as Mississippi Choctaws, of which action they were duly notified on March 11, 1903.

The records do not show, however, that any person by the name of Sallie Jamison is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

COPY

M.C.R. 4403

Muskogee, Indian Territory, March 11, 1903.

Arden Jamison,

Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Mattie Jamison as Mississippi Choctaw Indians under the provisions of Section 4 of the Act of Congress approved July 1, 1902, (32 Stats., 441).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*John G. Carter*  
Chairman.

Registered.

Enc. 4403.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Arden Jamison and his wife, Hattie Jamison as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Arden Jamison and his wife, Hattie Jamison, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

  
Acting Chairman.

Registered.

Enc. MT. 44

M C R 4403

Muskogee, Indian Territory, March 29, 1905.

Guy H. Sigler,

Attorney at Law,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, transmitting application for the enrollment of William Jamison, infant son of Oden and Mattie Jamison, as a Mississippi Choctaw.

Respectfully,

Chairman.



- M.C.R. 4403.

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IN RE

Application for Enrollment of  
INFANT CHILD

*William Jensen.*

born at

*Mississippi Chetawhatchee.*

Applied

190

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the **Mississippi Choctaw** Nation,  
of **William Jamison** (Here insert name of child.) born on the **28** day of **March**, **1904**  
Name of Father **Orden Jamison** a citizen of the **Mississippi Choctaw** Nation.  
Name of Mother **Hattie Jamison** a citizen of the **Mississippi Choctaw** Nation.  
Postoffice **Marietta, Indian Territory**

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
**Southern** DISTRICT.

I, **Hattie Jamison**, on oath state that I am **23**  
years of age and a citizen by **Blood** of the **Mississippi Choctaw** Nation;  
that I am the lawful wife of **Orden Jamison**, who is a citizen, by  
**blood** of the **Mississippi Choctaw** Nation, that a **male** child was  
born to me on **28** day of **March**, **1904**, that said child has been named  
**William Jamison**, and was living March 4, 1905.

WITNESSES TO MARK.

(Must be Two Witnesses)

Subscribed and sworn to before me this **18th** day of **March**, **1905**

Notary Public

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
**Southern** DISTRICT.

I, **Phoebe Sockey**, **Miss mid-wife** on oath state that I  
attended on Mrs **Hattie Jamison** wife of **Orden Jamison**  
on the **28th** day of **Day of March**, **1904** that there was born to her on said date a **Male**  
child, that said child was living March 4, 1905 and is said to have been named **William Jamison**

WITNESSES TO MARK.

(Must be Two Witnesses)

Subscribed and sworn to before me this **18** day of **March**, **1905**

Notary Public

*Order transmitted etc*

IS IN FORWARDED  
APPLICANT

V

For Identification as a Mississippi Choctaw.

Carthage, Miss.  
1891

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Choctaw MCR 4404

Seaby Primus

MCR 4404

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE BUREAU OF LANDS.

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In the matter of the application of Leaby Arimus for identification as a Mississippi Choctaw, N.C.D. 447.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE INDIAN CIVILIZED TRIBES

In the letter of the application of Seagr Prius for  
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 16th, 1901.

In the matter of the application of Seaby Primus for the identification of himself as a Mississippi Choctaw.

Said Seaby Primus, being first duly sworn, testified as follows:- (Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Seaby Primus.  
Q How old are you? A About twenty-one.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your post-office address? A Carthage.  
Q How long have you lived in Leake County? A Born and raised here.  
Q Lived here all your life, have you? A Yes.  
Q Is your father living? A No.  
Q What was his name? A Primus.  
Q Did he have any other name? A That's all.  
Q Didn't you ever hear of his having a Choctaw name? A I don't know whether he had any or not.  
Q How long has he been dead? A Don't know.  
Q Don't you remember ever having seen him? A No.  
Q Do you know whether he was a full blood Choctaw? A Yes.  
Q How do you know he was? A All of them said he was a full blood Choctaw.  
Q You have always understood, then, that he was a full blood Choctaw? A Yes.  
Q Do you know whether he spoke or understood the Choctaw language? A Yes.  
Q Whether he always lived here in Mississippi? A Yes, that is what I heard.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A I don't know.  
Q Did you ever hear it was Sonie? A No.  
Q Do you remember your mother? A No.  
Q Do you know whether she was a full blood Choctaw? A Don't know.  
Q Didn't you ever hear that she was a full blood or not? A No.  
Q Never heard anybody say whether your mother was a full blood Choctaw? A Never heard.  
Q Do you know whether she always lived here in the State of Mississippi? A Yes, I heard so.  
Q Do you know the name of her father? A Don't know.  
Q Or her mother? A Don't know.  
Q The only one of your ancestors, then, whose name you know is your father Primus, is that correct? A Yes.  
Q Didn't you ever hear of any of your people ever having lived in Indian Territory? A Never heard.  
Q Are you married? A No.  
Q This application, then, is for yourself only, is it? A Yes.  
Q Is there any name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Didn't you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe or did anyone else ever make such an application for you?

Seaby Primus---2

I don't know.

Q You never made such an application yourself, did you? A No.

Q Did you ever hear of anyone else ever having made such an application for you? A No.

Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I never made such an application and never heard of anyone else making such an application for me.

Q Did you or anyone for you in the year 1899 make application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw? A Yes, I reckon Columbus Dixon gave in my name three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to this Commission at Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, her name appearing on Mississippi Choctaw card Field No. 95, also on page 47 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being number 340 thereon.

Q Is this application made by you three years ago the only application of any kind that has ever been made for you before today?

A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the main portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to move out to that new country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions Choctaws who preferred to remain here in Mississippi might receive land here in Mississippi from the Government.

Q Do you understand that 14th article? A Yes.

Q You have heard it explained here several different times before the Commission, have you, within the last week? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits under this 14th article? A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made, 71 years ago? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1836? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent here in Mississippi of the Government know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government? A Never did hear.

Q Did you ever hear of any of them ever having gotten any money from the Government? A Never heard.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was appointed by the President of the United States and the Commissioners came down here

Seaby Prinus---4

to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and hear the remainder of these cases. This Commission was appointed by the President and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this act of Congress? A I don't know.

Q Do you know whether any of your ancestors were ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Or ever received any benefits as such? A I don't know.

Q Whether any of them ever lived in Indian Territory? A I don't know.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall and Winter, or at Meridian, Mississippi, between January 15th and February 15th next, or within a reasonable time at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Have you any relatives living? A Yes.

Q How many? A One.

Q What is his name? A Pen.

Seaby Primus---5

- Q Where does he live? A Thomastown, Leake County, Mississippi.  
Q Is he older or younger than you? A Older.  
Q Has he been before the Commission this year? A I don't know.  
Q Have you any brothers dead? A I don't know.  
Q Have you any sisters living? A No.  
Q Have you any sisters dead? A No.  
Q Are any of your father's brothers or sisters living? A No.  
Q Are any of the children of any of them living? A Yes.  
Q How many? A John Dixon, Columbus Dixon and Philip Dixon.  
Q Is that all? A Yes.  
Q They are the sons of one of your father's brothers? A Yes.  
Q What was the name of their father? A Dixon.  
Q Have they any sisters living? A One living.  
Q What is her name? A Lula Janison.  
Q Is that all? A Yes.  
Q Have you named all of the children of any of your father's brothers or sisters who are now living? A Yes.  
Q Are any of your mother's brothers or sisters living? A I don't know.  
Q Do you know whether any of the children of any of your mother's brothers or sisters are living? I don't know.  
Q You don't know of any, do you? A No.

This applicant is to all appearances a full blood Indian. She speaks and understands the Choctaw language and some English, the examination having been made entirely through a sworn Choctaw interpreter.

Ira E. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Cartage, Mississippi, December 16th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of December, 1901, at Cartage, Mississippi.

L. B. Morley  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By [Signature] Deputy.

4427

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Ben Primus for the identification of himself as a Mississippi Choctaw.

Said Ben Primus, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Ben Primus.  
Q How old are you? A Twenty-two.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Thomastown.  
Q Leake County? A Yes.  
Q How long have you lived in Leake County, Mississippi? A I was born in Attala County and have lived here ever since I was a child.  
Q Is your father living? A No.  
Q What was his name? A I couldn't tell you, Primus is all I know.  
Q Do you remember your father? A No.  
Q He died when you were a child, did he? A Yes.  
Q Was he a full blood Choctaw? A I s'pect he was.  
Q Did he always live here in Mississippi? A Yes.  
Q Did he have a Choctaw name? A I don't know.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A Sallie, I believe.  
Q How long has she been dead? A I don't know.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she have a Choctaw name? A I don't know.  
Q Did she always live here in Mississippi? A Yes.  
Q Do you know the name of her father? A . . .  
Q Or her mother? A . . .  
Q How old would your father be if he were living now, do you know?  
A No, I don't know.  
Q How old would your mother be if she were living now? A I don't know that.  
Q As far as you know, have all of your ancestors always lived in Mississippi? A Yes.  
Q And they have all been full bloods? A Yes.  
Q Are you married?  
Q You have been married, have you not? A Yes.  
Q And have separated from your wife? A Yes.  
Q What is her name? A Nannie Sam, the daughter of Ellis Sam. We married about three years according to the Choctaw custom and lived together a year and a half and separated. She has been before the Commission here at Carthage this month and made application in behalf of herself and child.  
Q You want to make application, then, for yourself only? A I reckon so.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities to be admitted or enrolled as a member of that Tribe or did anyone else ever make such an application for you? A No.

Re: Primus---2

Q Did you or anyone for you in the year 1896 make an application to the Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any kind before today?

A Yes, at Carthage three years ago.

The records of the Commission show that an application was made to the Commission at Carthage, Mississippi, on the 25th day of January, 1899, for the identification of this applicant as a Mississippi Choctaw, his name appearing on Mississippi Choctaw card field No. 98, also on page 47 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being No. 350 thereon.

Q This application made for you three years ago is the only application of any kind that was ever made for you, is it? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made, or did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1830 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi, become citizens of the States and take land here in Mississippi? A I don't know about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of that treaty? A I don't know.

Q Or under any other article of the treaty or under the supplement to the treaty? A I don't know.

Q Have you ever heard of any of your ancestors ever having gotten any land here in Mississippi from the Government? A Never heard.

Q Or any money from the Government? A Never heard.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw tribe of Indians or did any of them ever receive any benefits as such? A No.

Q Did any of them ever live in Indian Territory? A I don't know.



In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land under article 14 of the treaty and become citizens. On this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1837, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases.

Q. In 1837, your ancestors appear before either of these commissions to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.

An act of Congress approved August 21, 1837, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.



Seaby Primus--4

United States Government under this act of Congress? A I don't know.

Q Have you or any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this winter, at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time?

A

Q Have you any brothers living? A No.

Q Have you any brothers dead? A I don't know.

Q Have you any sisters living? A One.

Q What is her name? A Seaby Primus.

Q Have you any sisters dead? A I don't know.

Q Have you any half sisters or half brothers living? A No.

Q Any dead? A No.

Q Are any of your father's brothers or sisters or any of their children living? A Yes, my father's brothers children are living.

Q How many? A Five.

Q What are their names? A Columbus Dixon, Wilson Dixon, John Dixon, Philip Dixon and Lula Jamison.

Q Is that all of them? A Yes.

Q They are the children of your father's brother? A Yes.

Q What is their father's name? A Dixon.

Q Are these children you have named the only children of any of your father's brothers or sisters who are living? A Yes.

Q Are any of your mother's brothers or sisters living? A I don't know.

Q Are any of their children living? A I don't know.

This applicant appears to be a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

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Irvin H. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at

Ben Primus---5

Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. S. Reier*

Subscribed and sworn to before me this the 26th day of December, 1901, at Carthage, Mississippi.

*L. D. Moody*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *G. W. Smith* Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*copy*

In the matter of the application of Seaby Primus for identification as a Mississippi Choctaw, M.C.N. 4404.

.....D E C I S I O N.....

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on December 17, 1901, by Seaby Primus for herself, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 408):

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw.

Article forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes, and for other purposes," approved July 1, 1902,



COPY.

A.R. 404

Muskogee, Indian Territory, February 21, 1903.

Mr. Alfred, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Seaby Primus as a Mississippi Choctaw Indian under the provisions of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Seaby Primus as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, SIGNED

Registered.

Acting Chairman.

Enc. MT. 46

M.C.R. 4404

COPY

Muskogee, Indian Territory, March 11, 1903.

Seaby Primus,  
Carthage, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 4404

N C R 4404 & 5

Muskogee, Indian Territory, April 7, 1905.

Huddleston Sam,

Bentley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Abel Sam, infant son of Huddleston Sam and Seaby Sam, nee Primus, born February 8, 1904.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.  
Carthage Miss.

Date

Name Isaac Thomas

Age 21

Profession Cultivator

Father Thomas L. Thomas

Mother Mary Thomas

Where born in Mississippi

Signature

Stamps

I. S. Miller



App<sup>t</sup> for not word about her  
mother - not being well liked;  
but her application made 3  
years since, and but ex-  
aminer's Disapproval. & her,  
sings her Chain that you  
will have not reasonable  
Doubts.

END

*Seaby Primus.*

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Choctaw MCR 4405

Huddleston Sam

MCR 4405

BEFORE THE  
COMMISSION TO THE CIVIL RIGHTS TRIAL.

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In the matter of the application of Fuddleston Sam for  
identification as a Mississippi Choctaw, M.C.R.4468.

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DEPARTMENT OF THE INTERIOR.  
BUREAU OF LAND MANAGEMENT.

Application for the acquisition of Muddleston Land for  
the establishment of a National Forest, N.C., 4400.

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 16th, 1901.

In the matter of the application of Huddleston Sam for  
the identification of himself as a Mississippi Choctaw.

Said Huddleston Sam, being first duly sworn, testified as  
follows:- (Oscar Wiley, official interpreter).

Examination by the Commission.

- Q What is your name? A Huddleston Sam.  
Q How old are you? A I will be twenty-one this Christmas.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Carthage.  
Q Have you always lived in Leake County, Mississippi? A Yes sir.  
Q Is your father living? A No.  
Q What was his name? A Jim Sam.  
Q Was he a full blood Choctaw? A Yes sir.  
Q When did he die? A I don't know.  
Q Do you remember him? A No sir.  
Q Did he speak and understand the Choctaw language? A Yes sir.  
Q You are sure he was a full blood, are you? A Yes.  
Q How do you know he was a full blood? A People always told me  
he was a full blood Choctaw.  
Q Did your father always live here in Mississippi? A Yes sir.  
Q Did he have a Choctaw name? A I don't know.  
Q Do you know the name of your father's father? A No sir.  
Q Or your father's mother? A No sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Sallie.  
Q What is her husband's name? A Columbus Dixon.  
Q Is she a full blood? A Yes sir.  
Q Has she always lived in the State of Mississippi? A Yes sir.  
Q About how old is she? A I don't know.  
Q Do you know the name of her father or her mother? A Solomon  
York is her father.  
Q Do you know her mother's name? A I don't know.  
Q Have all of your ancestors always lived here in Mississippi?  
A Yes sir.  
Q They have all been full blood Choctaws, have they? A Yes sir.  
Q Are you married? A No sir.  
Q This application, then, is for yourself only, is it? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Terri-  
tory? A I don't know.  
Q Did you ever make application to the Choctaw Tribal authorities  
in Indian Territory to be admitted or enrolled as a member of that  
Tribe or did anyone else ever make such an application for you?  
A No.  
Q Did you or did anyone for you in the year 1896 make a application  
to this Commission for citizenship in the Choctaw Nation under the  
act of Congress approved June 10, 1896? A No.  
Q Did you ever make any application of any kind before today or  
has anyone else ever made application for you? A Yes, Columbus  
Dixon gave in my name at Carthage three years ago.

The records of the Commission show that on the 25th day of  
January, 1899, application was made to the Commission at

Huddleston Sam--2

Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card Field No. 66, as Sam Huddleston, also on page 43 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being number 246 thereon.

Q. Is your name Sam Huddleston or Huddleston Sam? A. Huddleston Sam.

Q. Is this application made for, on three years ago at Carthage by Columbus Dixon the only application of any kind that has ever been made for you? A. Yes.

Q. Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A. Yes.

Q. Do you understand that 14th article? A. Yes.

Q. Did any of your ancestors ever comply or attempt to comply with its provisions? A. I don't know.

Q. Were any of them living here in the year 1830 when this treaty was made? A. I don't know.

Q. Did any of them own an improvement here at that time? A. If they did I don't know.

Q. Were any of them recognized members of the Choctaw Tribe here at that time? A. I don't know.

Q. Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A. I don't know.

Q. Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A. I don't know.

Q. Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A. Never heard.

Q. Did any of them ever get any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A. I don't know.

Q. Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government? A. Never heard.

Q. Did you ever hear of any of them ever having gotten any money from the Government? A. Never heard that.

Q. Did you ever see or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government under article 14 of the treaty of Dancing Rabbit Creek?

A. Never saw or heard of such a thing.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land under article 14 of the treaty. The records of the Government show that this

Huddleston Mar---3

Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved March 3rd, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So, another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Never did hear.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Never see or heard of any scrip.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear



before the Commission at anyone of its appointments here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission in Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

- Q Are there any further statements you desire to make at this time in support of your application? A No.
- Q Did you ever hear of any of your ancestors ever having gotten any money from the Government? A Never heard.
- Q Or any land from the Government? A Never heard that.
- Q Did you ever hear of any of them ever having lived in Indian Territory? A No.
- Q Have you any brothers living? A One living.
- Q What is his name? A Arden Jamison, a half brother.
- Q By the same mother? A Yes.
- Q Have you any sisters living? A One living.
- Q What is her name? A Phelia Dixon, the wife of John Dixon.
- Q She is a full sister of yours, is she? A Yes sir.
- Q Have you any half sisters living? A No sir.
- Q Have you any half sisters or half brothers dead? A Yes.
- Q How many? A Two brothers and one sister.
- Q What was the half sisters name? A Louisa.
- Q Did she leave any children? A Three children but there is only one living.
- Q What is the name of the child that is living? A Bettie Martin.
- Q What is her father's name? A Edmund Martin.
- Q How many children did your oldest half brother leave? A Three.
- Q What are the names of those children? A Finis, Mike and Reuben.
- Q They are the children of Lula Jamison, are they not? A Yes.
- Q And live with her here in Leake County? A Yes.
- Q How many children did your other half brother leave? A Only one living.
- Q What is that child's name? A Lula.
- Q What is her mother's name? A Sealy.
- Q What is her husband's name? A Davis Jacoway.
- Q What was the name of Lula's father? A Willis Jamison.
- Q What is the name of the father of the other children, your other brother? A Hickman Jamison.
- Q Are any of your father's brothers or sisters or any of their children living? A Yes.
- Q How many? A Madison Ben, Ellis Ben and Peter Ben. Ellis is a full brother of my father and Peter and Madison are half brothers of my father.
- Q Has he any other brothers living? A I don't know.
- Q Has he any brothers or half brothers who are dead now? A I don't know.
- Q Are any of your father's sisters living? A Martha Jacobs.
- Q She is a full sister of your father, isn't she? A Yes sir.
- Q Are there any other sisters living? A No.
- Q Has he any sisters dead? A I don't know.
- Q Are any of your mother's brothers or sisters living? A One brother, Scott Fork.
- Q How many sisters has she living? A Three living.

Huddleston Sam--5

- Q What are their names? A Liza Jim.  
Q What is her husband's name? A Simpson Jim.  
Q What is the name of another one? A The wife of Julius Isom.  
Q What is the other one? A My mother.  
Q The just has two sisters, then? A Yes.  
Q Has she any brothers or sisters dead? A One sister dead.  
Q What was her name? A Sillin.  
Q Did she leave any children? A No sir.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

Ira F. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 16th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 19th day of December, 1901, at Carthage, Mississippi.

*L. R. Massey*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

*[Signature]*

Deputy.

*Cow*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Huddleston Sam for  
identification as a Mississippi Choctaw, K.C.A. 4403.

.....D E C I S I O N.....

It appears from the record herein that Application for  
identification as a Mississippi Choctaw was made to this Commission  
on December 10, 1901, by Huddleston Sam for himself, under the fol-  
lowing provision of the act of Congress approved June 28, 1898,  
(30 Stats., 495):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, concluded  
September twenty-seventh, eighteen hundred and thirty,  
and to that end may administer oaths, examine witnesses  
and perform all other acts necessary thereto and make  
report to the Secretary of the Interior."

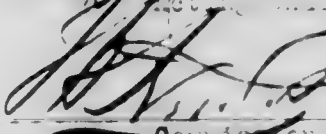
From the evidence submitted in support of said application  
it appears that the applicant is a full-blood Mississippi Choctaw  
Indian.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,

[illegible]

It is, therefore, the opinion of this Committee that  
 that the said Sam Houston be admitted as a Whig, a Democrat, and  
 as an Independent.

*Journal of Management Education* 30(6)

  
 C. A. Hanson  
 Commissioner

COPY

M.C.R. 4405.

Muskogee, Indian Territory, February 21, 1903.

Barthell, Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

G. W. Allen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Huddleston Sam as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Huddleston Sam as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. M.C.R. 4405.

Chairman.

No. 12000  
For Identification as a Mississippi Choctaw.  
*Carthage Miss.*

*1850*

*1850*

*1850*

*1850*

*1850*

*1850*

*1850*

*1850* *S. L. Hila*

M.C.R. 4405.

Muskogee, Indian Territory, March 11, 1903.

Huddleston Sam,

Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 1405.

Muddleson Sam.

RECEIVED FORWARDED  
APPLICANT



Choctaw MCR 4406

Philip Dixon

MCR 4406

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Philip Dixon, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4406.

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Philip Dixon, et al.,  
for identification as Mississippi Choctaws, H.C.R. 4406.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 16th, 1901.

In the matter of the application of Philip Dixon for the identification of himself and his wife Annie as Mississippi Choctaws.

Said Philip Dixon, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Philip Dixon.  
Q How old are you? A About twenty-five.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Carthage.  
Q How long have you lived in Leake County? A I been living all my life here.  
Q Is your father living? A No sir.  
Q What was his name? A Dixon.  
Q Did he have any other name? A He got Indian name.  
Q What is that? A Ho-pah-ki.  
Q How long has he been dead? A About seven years.  
Q Was he a full blood Choctaw? A Yes sir.  
Q Did he always live here in the State of Mississippi? A Yes sir.  
Q About how old was he when he died? A He was about fifty years old when he died.  
Q Do you know the name of his father? A No sir.  
Q Do you know the name of his mother? A Yes sir, Eliza.  
Q When did she die? A She been died about twelve years.  
Q Was she a full blood Choctaw? A Yes sir.  
Q Always lived here in Mississippi? A Yes sir.  
Q She spoke and understood the Choctaw language, did she? A Yes sir.  
Q And your father did? A Yes sir.  
Q You don't know the names of Eliza's parents, do you? A That's all I know.  
Q Is your mother living? A No sir.  
Q What was her name? A Annie.  
Q Was she a full blood Choctaw? A Yes sir, I think she was; I was a little baby when she died.  
Q You have always understood that she was a full blood Choctaw, have you? A Yes sir.  
Q Is her father living? A No sir, I don't know her father at all.  
Q Or her mother? A No sir, I don't know who she was either.  
Q Did your mother always live here in Mississippi? A Yes sir.  
Q Have all of your people always lived in Mississippi, so far as you know? A Yes sir.  
Q And they have all been full blood Choctaws? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q Are you living with her? A Yes sir.  
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.  
Q What is your wife's name? A Annie.

- Q Has your wife any Choctaw blood? A Yes sir.  
Q How much? A Full blood.  
Q Do you want to make application for her too? A Yes sir.  
Q How old is she? A About nineteen years old.  
Q Has she always lived in the State of Mississippi? A Yes sir.  
Q Is her father living? A Yes sir.  
Q What is his name? A Simpson Jim.  
Q Is he a full blood Choctaw? A Yes sir, full blood.  
Q Has he always lived here in Mississippi? A Yes sir.  
Q Has he been before the Commission here this month? A Yes sir, he has been here.  
Q Do you know his father's name? A No sir, but I think he was name Jim.  
Q Do you know Simpson's mother's name? A No sir.  
Q Is your wife's mother living? A Yes sir.  
Q What is her name? A Eliza.  
Q Is she a full blood Choctaw? A Yessir.  
Q Has she always lived here in Mississippi? A Yes sir.  
Q Does she speak and understand the Choctaw language? A Yes sir.  
Q Do you know the name of her father? A Yes sir.  
Q What is his name? A Solomon York.  
Q What is the name of Eliza's mother? A I don't know. I cant think of it.  
Q Solomon York lives here in Lease County now, does he not?  
A Yes sir.  
Q Do you know how old he is? A No sir, but I think he is about sixty years old.  
Q He might be older than that, might he? A Yes sir.  
Q Has he always lived in Mississippi? A Yes sir.  
Q Is he a full blood Choctaw? A Yes sir.  
Q Does he speak and understand the Choctaw language? A Yes sir.  
Q Have you any children living? A No sir.  
Q Has your wife any children living? A No sir.  
Q This application, then, is for yourself and your wife, is it?  
A Yes sir.  
Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or your wife to be admitted or enrolled as members of that Tribe? A No.  
Q Did anyone else ever make such an application for you? A No.  
Q Did you or anyone for you, or your wife or anyone for her in the year 1896, that is five years ago, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir.  
Q Have you ever made any application of any kin before today?  
A Yes sir, one at Carthage three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant and his wife Annie as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 70, also on page 43 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the

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provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 258 and 259 therein.

Q. Is that the only application of any kind that has ever been made for either of you? A. Yes sir.

Q. Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A. Yes.

Q. Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A. No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians, and is known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. The 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government.

Q. You understand what I have said to you, do you? A. Yes sir.

That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you understand that 14th article now? A. Yes sir.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under this 14th article? A I don't know.

Q Were any of them living here at the time the treaty was made, 71 years ago? A Yes, I reckon so.

Q Do you know the name of any of them who were living here at that time? A No.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land under any other article of that treaty or under the supplement to that treaty? A I don't know that.

Q Did you ever hear of any of your people or any of your wife's people ever having gotten any land here in Mississippi from the Government of the United States? A Never heard.

Q Or any money from the Government? A Never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens. On this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty but that their land had been sold by the Government. This Commission was appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved February 22, 1838, providing for the continuance of the Commission, they were unable to dispose

of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q. Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in the State of Mississippi, in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q. Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government under this act of Congress? A. Never heard.

Q. Do you know any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied, or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A. I don't know of anyone.

Q. Have you any witnesses here today? A. No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q. So far as you know, have any of your ancestors or any of your wife's ancestors ever been recognized members of the Choctaw Tribe of Indians? A. No.

Q. Did any of them ever receive any benefits as such?

A. I don't know.

Q. Did you ever hear of any of them ever having lived in Indian Territory? A. No, never heard.

Q. All of your ancestors and all of your wife's ancestors have, so far as you know, always been full blood Choctaws, have they? A. Yes sir.

Q. Are there any further statements you want to make at this time in support of your application? A. No.



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- Q Have you any full brothers living? A Yessir.  
Q How many? A One.  
Q What is his name? A John.  
Q Have you any half brothers living? A Yes sir.  
Q How many? A Two.  
Q What are their names? A Columbus Dixon and Wilson Dixon.  
Q Have you any brothers or half brothers who are now dead? A No.  
Q Have you any sisters living? A Yes sir.  
Q How many? A One.  
Q What is her name? A Lula Janison.  
Q Is she a full sister of yours? A Yes.  
Q Have you any half sisters living? A No.  
Q Have you any full sisters dead? A No sir.  
Q Have you any half sisters dead? A Yes sir.  
Q How many? A Two.  
Q Did either of them leave children? A No sir.  
Q Has your wife any brothers living who are over twenty one years of age? A No sir.  
Q Or any sister whos is over twenty-one? A No.  
Q Has she any brothers or sisters married? A No sir.  
Q Are any of your father's brothers living? A No sir.  
Q Did he ever have any brothers who are dead now? A Yes sir.  
Q Did any of them leave children? A Yes sir.  
Q How many? A Two living.  
Q What are their names? A Ben Primus and Seaby Primus.  
Q They are the children of your father's brother, are they?  
A Yes sir.  
Q Are any of your father's sisters living? A No sir, all dead.  
Q Did any of them leave children? A No sir.  
Q Are any of your mother's brothers or sisters living? A No.  
Q Are any of their children living? A I don't know.  
Q Are any of Simpson Jim's brothers or sisters living? A Two living one brother and one sister.  
Q What is the brothers name? A Austin Jim.  
Q What is his sisters name? A Josephine, the wife of Dixon York.  
Q Has he any brothers or sisters dead, Simpson? A I don't know.  
Q Has Eliza Jim any brothers living? A Yes sir, Scott York.  
Q Has she any brothers dead? A Not that I know of.  
Q Has she any sisters living? A Yes sir.  
Q What are their names? A Sally Dixon, the wife of Columbus Dixon.  
Q What is the name of the next one? A The wife of Julius Isom, I don't know her name.  
Q Has she any sisters dead? A Sillin.  
Q Did she leave any children? A No sir.

This applicant is to all appearances a full blood Indian, speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

Ira B. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in

Philip Dixon et al---7

full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 16th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. B. Mosley*  
Subscribed and sworn to before me this the 19th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Philip Dixon, et al.,  
for identification as Mississippi Choctaws, H.C.R. 4400.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 11, 1901, by Philip Dixon for himself, and his wife, Annie Dixon, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary, thereof and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both of the applicants are full-blood Mississippi Choctaw Indians.

Section thirty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of 1891, and for other purposes," approved July 1, 1902,

"That a list of applications for identification as a Mississippi Choctaw shall be received by said Commission at any time subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

COMMISSION TO THE FIVE CIVILIZED TRIBES.

~~John~~ Chairman.

~~Commissioner~~

## COMMISSIONER

Lucifer, Indian Territory.

M.C.R. 4406.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Philip Dixon and his wife, Annie Dixon, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Philip Dixon and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.  
Enc.: 4406.

James D. [Signature]  
Chairman.

K.C.P. 4406

COPY.

Memphis, Indian Territory, May 3, 1903.

William Dixon,

Carters, Miss. Tenn.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your wife, Annie Dixon, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you have gone to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(S)

*Tame Birney*  
Chairman

Registration.

Enc. 4406

For Identification as a Mississippi Choctaw.

Cartage, Miss.

Name George L. ...

Age 25

Occupation, I do not know.

Birth ...

Married ...

Large ...  
George L. ...  
rather ...  
Mother ...

Stenographer

L. L. ...

Choctaw MCR 4407

Pickens York

MCR 4407



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in the matter of the application of license or, et al.,  
for identification of the said license, 1944-7.

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for identification of the said license,----- 1  
decision of the commission identifying the  
above license,----- 8

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Lumbago, Mississippi, December 16th, 1901.

In the matter of the application of Pickens York for the identification of himself and his minor child, Lennie, as Mississippi Choctaws.

Said Pickens York, being first duly sworn, testifies as follows:- (Oscar Wiley, official interpreter).

Examined on by the Commission.

- Q What is your name? A Pickens York.  
Q How old are you? A Twenty-nine.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Thomastown, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q You never were in Indian Territory, were you? A No.  
Q Is your father living? A Yes.  
Q What is his name? A Charley York.  
Q Where does he live? A Lives in Indian Territory.  
Q How long has he lived out there? A About seven years.  
Q Where did he live before that? A Lived in this County.  
Q Did he live here all his life before he went there? A Yes.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he a Choctaw name? A No.  
Q About how old is he? A I don't know.  
Q Has he been recognized or admitted to citizenship out in the Choctaw Nation in Indian Territory since he moved out there? A I don't know.  
Q Is his father living? A No.  
Q What was his name? A Tom York.  
Q How long has he been dead? A Three years.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A No, he died out in the Territory.  
Q When did he go out there? A Seven years ago. Both went out there together.  
Q Did he live here in Leake County all his life until he went out there seven years ago? A Yes.  
Q Do you know the name of your father's mother? A Yes.  
Q What is her name? A Niecey.  
Q Is she living? A Yes.  
Q Where does she live? A In the Territory.  
Q Is she a full blood Choctaw? A Yes.  
Q How long has she lived in the Territory? A Seven years.  
Q Did she live here in Leake County before she went out there? A Yes.  
Q All her life? A Yes.  
Q Do you know the name of her father or her mother? A I don't know.  
Q Do you know the name of Tom York's father or mother? A No, I don't know.  
Q Is your mother living? A Dead.  
Q What was her name? A Niecey.  
Q Was she a full blood Choctaw? A Yes.

- Q Did she always live in Mississippi? A Yes.
- Q How long has she been dead? A About twelve years.
- Q How old was she when she died? A I don't know.
- Q About how old was she? A About thirty.
- Q Do you know the name of her father? A Yes.
- Q What is his name? A Joe.
- Q Joe what? A I don't know.
- Q Where does he live? A In Leake County.
- Q Is he a full blood Choctaw? A Yes.
- Q Has he always lived here in Mississippi? A Yes.
- Q Do you know the name of his father or mother? A I don't know either one of them.
- Q Do you know the name of Nacey's mother? A I don't know.
- Q Are you married? A No.
- Q Have you been married? A Yes.
- Q How many times? A Once.
- Q Is your wife living? A No.
- Q What was her name? A Annie.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she always live in Mississippi? A Yes.
- Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.
- Q How long did you live with her? A About eight years.
- Q Is her father living? A No, dead.
- Q What was his name? A I don't know.
- Q Was he a full blood Choctaw? A Yes.
- Q How do you know he was a full blood? A Choctaws told me so.
- Q Is your wife's mother living? A No.
- Q What was her name? A I don't know.
- Q Was she a full blood? A Yes.
- Q How do you know that? A I saw her.
- Q But you don't know her name? A No.
- Q Do you know the names of any of your wife's grandparents? A No, don't know any one of them.
- Q So far as you know, have all of your wife's ancestors all been full blood Choctaws? A Yes.
- Q And all lived here in Mississippi? A Yes.
- Q Have you any children living? A Yes, one.
- Q What is that child's name? A Nannie.
- Q How old is Nannie? A Ten years old.
- Q Is she living with you at this time? A Yes.
- Q Is she a full blood Choctaw? A Yes.
- Q The child of yourself and Annie York? A Yes.
- Q This application then is for yourself and one minor child, is that correct? A Yes.
- Q Is your name or the name of this child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or this minor child to be admitted or enrolled as members of that Tribe? A No.
- Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or this minor child, that is five years ago, under the act of Congress approved June 10, 1896? A No.
- Q Has any application ever been made for you or this child before today to the Commission? A Yes, at Carthage about three years ago.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant and his minor children Nannie and Eunis, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 42, also upon page 39 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 137, 138 and 139 respectively thereon.

Q. At the time you appeared before the Commission three years ago you had two children living, didn't you? A. Yes.

Q. One named Eunis? A. Yes.

Q. Is Eunis living now? A. No sir, she died April 18th, 1900.

Q. Is this application made by you three years ago at Carthage the only application of any kind that you have ever made? A. Yes.

Q. Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A. Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain here in Mississippi might do so and might receive land here in Mississippi from the Government.

Q. Do you understand that 14th article? A. I don't know.

It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age,

to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said ~~improvement~~ reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. Do you understand that 14th article now? A. Yes.

Q. Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A. I don't know.

Q. Were any of them living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made?

A. I don't know.

Q. Did any of them own an improvement here at that time? A. I don't know.

Q. Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A. I don't know.

Q. Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1830 and 1838? A. I don't know.

Q. Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the State and take land? A. I don't know.

Q. Did any of them ever claim or receive and land here in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.

Q. Did any of them ever get any land from the Government under any other article of that Treaty or under the supplement to that treaty? A. I don't know.

Q. Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A. Never heard.

Q. Or any none from the Government? A. I don't know.

In accordance with the provisions of article 14 of the Treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of any Choctaws who did in fact let him know that they wanted to stay here in Mississippi and take land and become citizens of the States and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal

Pickers Fork et al--5

of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefor became necessary for Congress to make further provision by which the remainder of these Choctaws might be given hearings, so another act was passed which was approved the 23rd of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Never see or heard of it.

Q Do you know any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi between January 15th and February 15th, next, or within a

reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received from the Government? A No.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Have you any brothers living? A Yes.

Q How many? A Three, including myself.

Q What are their names? A Roscoe York.

Q Where does he live? A In the Territory.

Q How old a man is he? A Not of age.

Q What is the name of another brother? A John.

Q Is he of age? A No.

Q Live in Territory? A Yes.

Q What is the name of another brother? A That's all.

Q Have you any sisters living? A One living and one dead.

Q Did the one who is dead leave any children? A No.

Q What is the name of the one who is living? A Lillie.

Q Is she married? A No.

Q Live in Territory? A Yes.

Q Have you any brothers dead? A Yes, a good many.

Q Did any of them leave children? A No. All died when they were little.

Q Are any of your wife's brothers or sisters living? A One brother and one sister living.

Q What is the brother's name? A William Sockey.

Q Where does he live? A Here in Leake.

Q What is his wife's name, is he is married? A Aint got none. Wife dead.

Q Has he a son by the name of Irvin? A Yes.

Q What is the sister's name? A Parson.

Q Is she married? A Yes.

Q What is her husband's name? A McNeal Waiter.

Q Where does she live? A In Meshoba County.

Q Does she ever go by the name of Jane Sockey? A Yes.

Q Are any of your wife's brothers or sisters dead? A I don't know.

Q Are any of your father's brothers or sisters living? A Three brothers living, no sister.

Q What are the brothers names? A Rufus York.

Q Lives here in Leake County? A Yes.

Q And Dixon York? A Yes.

Q Does he live in Leake County? A Yes.

Q Has he any other brothers? A Yes.

Q What is the name? A Sampson York.

Q Where does he live? A In Indian Territory.

Q How long has he been out there? A Seven years.

Q Is that all the brothers living? A That's all.

Q Has your father any brothers or sisters who are now dead? A One sister dead.

Q Did she leave any children? A Yes.

Q Are any of those children living at this time? A Yes.

Q How many? A One.

Q What is that child's name? A Adeline.

Q Is she married? A Yes.

Q What is her husband's name? A Joe Willis.



- Q Where does he live? A Leake County.  
Q Are any of your mother's brothers or sisters living? A No.  
Q Are any of their children living? A No, none.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A No.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A No.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw Interpreter.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 16th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 19th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

M C R 4407.

Department of the interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
March 7, 1903.

In the matter of the application of Pickens York for the identification of himself and his minor child, Nannie York, as Mississippi Choctaws.

Applicants represented by J. J. Bates, Attorney,  
Ardmore, Indian Territory.

Pickens York, being first duly sworn on oath testifies as follows.

EXAMINATION BY THE COMMISSION:

- Q What is your name ? A. Pickens York.  
Q How old are you ? A. Thirty.  
Q Are you the identical Pickens York who appeared before the Commission at Carthage, Mississippi, on December 16, 1901, and made application for the identification of himself and his one minor child, Nannie York, as Mississippi Choctaws ? A. Yes, sir.  
Q Is Nannie York now living ? A. Yes, sir.  
Q What is your present post office address ? A. Marlow.  
Q Indian Territory ? A. Yes, sir.  
Q When did you remove from the state of Mississippi to Indian Territory ? A. Three weeks ago.  
Q When you removed from the state of Mississippi to Indian Territory did you do so with the intention of making this your permanent home ? A. Yes, sir.  
Q Is your child, Nannie York, now living ? A. Yes, sir.  
Q Is she living with you near Marlow ? A. Yes, sir.  
Q When you left the state of Mississippi to come to the Indian Territory did you bring your house-hold goods and personal effects with you ? A. Yes, sir, I brought him with me.  
Q You brought them with you ? A. Yes.  
Q How much of a residence have you established near Marlow, Indian Territory ? A. I live on the same place as Rufus York -- in the same house.  
Q How far is that place located from Marlow ? A. Four miles.  
Q What direction ? A. East.

Pickens York 2.

Fred V. Kinkade, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above cause at Muskogee, Indian Territory, March 7, 1903, that the above and foregoing is a true, full and correct translation of his stenographic notes as taken therein.

*Fred V. Kinkade*

Subscribed and sworn to before me this 26 day of March,  
1903.

*Charles Heflinger*

Notary Public.



that, in fact, the information is so false that  
it is not even "misinformation" and should be identified as such in  
captions. I put it to you now.

*C. R. Beardslee, Jr.*  
C. R. Beardslee, Jr.

COPY

M.C.T. 4407

Washington, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Pickens York and his minor child, Mannie York, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Pickens York and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

James E. Smith  
Acting Chairman.

Registered.

Enc. MT. 47

COPIY

U.C.R. 4407.

Muskogee, Indian Territory, March 11, 1903.

Pickens York,

*Reveiled to Marlow, J. P. July 23/03*  
Thomasown, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Vencie York as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Jams Dixey.*

Chairman.

Registered.

Enc. U.C.R. 4407.

Muskogee, Indian Territory, March 27, 1903.

Pickens Fork,

Thomastown, Mississippi.

*Mailed to Marlow, I.T. July 23/03*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Emma Lee, as Mississippi Choctaw Indians under the provisions of section 42 of the Act of Congress approved July 3, 1902 (32 Stats., 641).

If you remove to the Choctaw- Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make report of such removal and settlement at the office of the Commissioner at the Shawnee Nation, or Vicheringo, Chickasaw Nation.

Respectfully,

*James Bixby*

Chairman.

Respectfully,

Edw. M. R. 4407.



No. 4113  
For Identification as a Mississippi Choctaw.  
Cairns, Miss.

Age when 1/2 K

Age 24. B. in ...  
Person of Homas town, Miss.

Father ...

Mother ... d

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Father ... d

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Stenographer

John Niles,

*Pickens Work, et al.*

*Pickens*

COPY OF DECISION FORWARDED  
APPLICANT

MAY 11 1903

Choctaw MCR 4408

Columbus Dixon

MCR 4408

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 17, 1901.

In the matter of the application of Columbus Dixon, his wife, Sallie, and one minor step-grand child; Bettie Martin, as Mississippi Choctaws.

Columbus Dixon, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Columbus Dixon.  
Q How old are you? A I don't know; I can't tell much how old my age is.  
Q About how old do you think you are? A I think about forty nine.  
Q How much Choctaw blood have you? A I guess all Choctaw blood.  
Q Full blood? A Yes, sir.  
Q Full blood Choctaw? A yes, sir.  
Q What is your post office address? A Carthage, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Been living in - all my life; born and raised in Leake County.  
Q Is your father living? A No, sir.  
Q What was his name? A Dixon.  
Q Did he have any other name besides? A Well he got one more name, Indian name.  
Q What was it? A Ho-pah-ka.  
Q How long has Ho-pah-ka been dead? A About seven years.  
Q About how old was he when he died? A Well, I expect he was sixty two.  
Q He was a full blood Choctaw, was he? A Yes.  
Q Spoke and understood the language? A yes, sir.  
Q Did he always live in Mississippi? A Yes sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Well, I wasn't big enough to know my mother when he died. He died before I know anything about him much, but my folks told me about it after I got about grown; they told me her name was Sealy.  
Q Was she a full blood Choctaw? A Yes.  
Q How do you know she was a full blood? A That's what he told me; some white folks thought maybe I was mixed blood you know, and I asked some of it if I was mixed, and he said I was full blood Choctaw.  
Q Do you know any other name that she had? A No, I don't know.  
Q Do you know whether she always lived in Mississippi or not? A Yes I reckon always lived in Mississippi; died about eight miles below Carthage here.  
Q Do you know the name of your mother's father or her mother?  
A No, I don't know anything about it.  
Q Or your father's father or his mother? A No.  
Q The only ancestors whose names you know, then, are your father and mother? A Yes.  
Q Is that right; all the old folks you know? A Yes.  
Q So far as you know have all of your ancestors been full blood Choctaws, and have they all lived in Mississippi? A Yes.

Columbus Dixon, et al., 2.

Q Are you married? A Yes, sir.  
Q Wife living? A Yes.  
Q What's her name? A Sallie.  
Q Are you living with her at this time? A Yes.  
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.  
Q How long have you lived with her? A Lived with her ten years last July.  
Q How much Choctaw blood has she? A Well, I suppose just all Choctaw.  
Q Did you ever hear that she had any white blood? A No, sir.  
Q Always said she was a full blood? A Yes.  
Q How old is Sallie? A Well, Sallie is, I guess, about fifty eight or fifty nine somewhere along there.  
Q Was she always lived here in Mississippi? A Yes, sir.  
Q Was she a Choctaw name? A Who, Sallie?  
Q Yes? A That's all I know.  
Q Just Sallie? A Yes, just Sallie.  
Q Have you been married more than once? A That's the first one I ever married.  
Q She is the only wife you ever had, then? A Yes.  
Q Is Sallie's father living? A Yes.  
Q What is his name? A Solomon York.  
Q Is he a full blood Choctaw? A Yes.  
Q Where does he live? A He is living in Leake County, close out here to Tricun.  
Q Has he always lived in the State of Mississippi? A Yes.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Was he a Choctaw name? A Yes, I think he has got one name, Choctaw name.  
Q Do you remember it? A I can't remember it.  
Q Is your wife's mother living? A No, sir; he died:  
Q What was her name? A His name Martha.  
Q Did you ever see her? A Yes, sir.  
Q Was she a full blood Choctaw? A Yes, sir.  
Q Did she always live here in Mississippi? A Yes.  
Q Did she speak and understand the Choctaw language? A Not much.  
Q Now, you mean, she didn't speak and understand English much? A Yes.  
Q Does your wife speak and understand the Choctaw language? A Yes, sir.  
Q And English too? A Yes, sir right smart.  
Q Do you know the name of Martha's father? A No, sir.  
Q Or Martha's mother? A No, sir.  
Q So far as you know, all of your wife's ancestors have been full bloods? A Yes, sir.  
Q And have all lived in the State of Mississippi? A Yes, sir.  
Q Was your wife married before you married to her? A Yes, sir.  
Q How many times? A Two.  
Q Has she any children living who are under twenty one years of age and unmarried? A Now?  
Q Yes? A No, sir.  
Q Has she any grand children living with her? A One, Bettie Martin.  
Q How old is Bettie? A I don't know; not much over 13 or 15 years old.

Columbus Dixon, et al., 3.

Q Is Bettie a full blood Choctaw? A Yes, sir.

Q How long has she lived with your wife? A How long has he been living with --

Q Yes, with Sallie? A Been living with Sallie eight years.

Q Is Bettie's father living? A No.

Q What was his name? A Ed Martin.

Q Was he a full blood Choctaw? A yes, sir.

Q Did he have a Choctaw name? A No, sir, that's all he has.

Q Where did he live? A He lived down here at Redwater; after he married he went to the Territory and died out there, and his wife come back and died back here.

Q Well, when did Ed go to the Territory; about how long ago? A Every bit of ten years ago.

Q Do you know whether he was admitted to citizenship out there?

A No, sir; I don't know.

Q Now is Bettie's mother living? A No, sir; he died.

Q What was her name? A Louisa

Q Was she a full blood Choctaw? A yes, sir.

Q She never lived in Indian Territory, did she? A Yes he went there and stayed two years and come back.

Q Died here? A Yes.

Q Both she and Ed understood the Choctaw language? A Yes, sir.

Q Not much English? A No.

Q Now, do you know the name of Ed's father or his mother? A Yes, sir.

Q What was the name of Ed's father? A Martin.

Q Weahock? A Martin Weahock.

Q Martin? A Yes.

Q Was he a full blood Choctaw? A Yes.

Q Did he always live in the State of Mississippi? A Yes.

Q Did he have a Choctaw name? A No, sir; I don't know; never knowed.

Q Lived in Leake County here, didn't he? A Yes.

Q Do you know the name of Ed's mother? A I know him, but I never could think of his name.

Q Is she living? A Yes.

Q Where is she living? A In Neshoba.

Q What is her husband's name? A He not married now.

Q Is she a full blood Choctaw? A Yes.

Q Always lived here in Mississippi? A Yes, sir.

Q Now, do you know the name of her father, or her mother? A No, I don't know.

Q Or of Martin Weahock's father or his mother? A No, I don't know.

Q Do you know the name of Louisa's father? A Yes, sir.

Q What was his name? A Jamison.

Q Jamison what? A Jamison Lewis.

Q Is he living? A No, he died.

Q When? A About twenty years ago.

Q Was he a full blood Choctaw? A Yes.

Q Did he always live in the State of Mississippi? A Yes, sir.

Q Do you know his father's name? A No.

Q Or his mother's name? A No.

Q What was Louisa's mother's name? A W o.

Q Louisa's mother's name? A Sallie.

Q Sallie is your wife at present? A Yes, sir.

Q This application, then, is for yourself, your wife and one minor step-grand child, Bettie Martin, is that correct? A Yes, sir.



Columbus Dixon, et al., 4.

Q Is your name, or your wife's name, or the name of this child to be found upon any of the Choctaw tribal rolls in Indian Territory?

A I don't know.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, wife or this minor child to be admitted or enrolled as members of the tribe? A No.

Q Did you, or any one for you in the year 1896, make application to this Commission for citizenship in the Choctaw nation for yourself, wife or this minor child, under the Act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any description before to-day for yourself, wife, or this minor child, to be admitted or enrolled as members of the tribe? A Yes.

Q When? A Three years ago.

Q At Carthage, Mississippi? A Yes.

The records of the Commission show that on the 25th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife, Sallie, and his step children, Huddleston Sam and Feely Sam, and his minor step-grand child, Bettie Martin, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 66; also, upon page 43 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 244, 245, 246, 247, and 248, respectively, thereon.

Q Is Huddleston Sam, for whom you made application three years ago, living at this time? A Yes, sir.

Q He is the Huddleston Sam who appeared before the Commission and made application yesterday in his own behalf, is he? A Yes sir.

Q Is Feely Sam living? A Yes, sir.

Q Is she married? A yes, sir.

Q What is her husband's name? A John Dixon.

Q Your half brother, is he not? A Yes, sir.

Q This application made three years ago is the only application of any kind you ever made for yourself or any of the members of your family? A yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the

Columbus Dixon, et al., 5.

State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might be permitted to do so and might receive land from the Government here in Mississippi.

Q Do you understand that 14th article? A No, sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that now, Columbus? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Pettie Martin, ever comply or attempt to comply with its provisions, or ever receive any benefits under this 14th article? A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made?

A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Columbus Dixon, et al., 6.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know that.

Q Did you ever hear of any of them ever having gotten any land or money from the Government? A If any of my kin folks ever got any land from the Government, I never heard of it.

Q Did you ever see, or hear of, any deed or patent, issued to any of them by the Government, covering land here in Mississippi from the Government? A No, never saw or heard of such a thing.

Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and take land and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions whereby the remainder of these Choctaws might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work of

Columbus Dixon, et al., 7.

hearing these Choctaw cases. This commission was appointed by the President of the United States and the Commissioners came down here to Mississippi in the early 40's, and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, any of your wife's ancestors, or any of the ancestors of Bettie Martin, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of the ancestors of your wife, or any of the ancestors of Bettie Martin, ever receive any of this scrip from the Government under this Act of Congress? A I don't know.

Q You never heard of any of them ever having gotten any, did you? A No, sir.

Q Did you ever hear of any of them ever having gotten any benefits as Choctaw Indians? A No, sir.

Q Never did? A No, sir.

Q Did you ever hear of any of your ancestors ever having lived in Indian Territory? A No, sir.

Q Or your wife's people ever living out there? A No.

Q Her daughter lived out there a while, didn't she? A Hardly two years, and got sick and come back.

Q Have you any full brothers living? A No, sir.

Q Any half brothers living? A Yes.

Q How many? A Three.

Q What are their names? A Next to me, Wilson Dixon.

Q The next one? A The next one, my half sister, Lula Jamison.

Q The next one? A John Dixon.

Q The next one? A Phillip Dixon.

Q Is that all of your half brothers or half sisters living? A Yes, sir.

Q Have you any full brothers dead? A No.

Q Any half brothers dead? A Yes, half brother dead.

Q How many? A Two, died.

Q Did either of them leave children? A Both of them died a child, you know.

Q Died when they were children? A Yes.

Q Have you any half sisters dead? A No.

Q Now, are any of your wife's brothers living? A Yes, sir.

Q How many? A One.

Q What is his name? A Scott York.

Q Has she any brothers dead? A No, I don't think she has any brothers dead.

Columbus Dixon, et al., 8.

Q Has she any sisters living? A Yes.  
Q How many? A Three besides herself?  
Q What are their names? A The oldest one is named Nancy, the wife of Julius Isom.  
Q The next one? A Eliza.  
Q Wife of Simpson Jim? A Yes, sir.  
Q What is the other sister's name? A Then, my wife.  
Q Then, she just has two sisters living, she and two sisters; three girls in the family? A Yes.  
Q Now, has she any sisters dead? A Yes, he is dead.  
Q How many? A One, is all I know.  
Q Did she leave any children? A No, sir.  
Q Are any of your father's brothers or sisters living? A No; I don't know.  
Q Or any of their children? A No, I don't know.  
Q Are any of your mother's brothers or sisters, or any of their children living? A No, sir, I don't know.  
Q Are any of your wife's father's brothers or sisters living? A No, I don't know that.  
Q Are any of their children living? A No, I don't know.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A No, I don't know.  
Q Has Bettie Martin any brothers or sisters living? A No, sir.  
Q Did she ever have any brothers or sisters? A Yes, had brothers.  
Q Older than she or younger? A Younger.  
Q Are any of Bettie's father's brothers or sisters living - Ed Martin's brothers or sisters? A Yes, two of them living.  
Q What are their names? A One named Tommy Martin.  
Q Lives over in Neshoba County? A Yes, sir.  
Q The next one? A The next one is named Jacob Martin.  
Q Where does he live? A He lives in Leake County; he lives close to Tricum.  
Q Is that all of them? A That's all I know.  
Q He has no sisters living? A Yes, sir.  
Q How many? A Two of them is all I know.  
Q What are their names? A One named Matt.  
Q Is she married? A Yes, sir.  
Q What is her husband's name? A Charlie Jacoway.  
Q The next one? A Sealy; she married Davis Jacoway.  
Q Are any of Ed Martin's brothers or sisters dead? A One dead.  
Q Did he leave any children, the brother of Ed that died? A Yes sir.  
Q Where are they living now? A In Scott now; I think that's where he is living at.  
Q What are their names? A His wife, I believe, named Elizabeth Martin.  
Q Now, what are the names of these children? A Dogged, if I know; I have about forgot; been a good while since I seen him.  
Q Never has married since, has she? A No, sir.  
Q What was this brother's name that left this wife and children?  
A Willie Martin.  
Q Now, has your wife any children living? A Yes.  
Q How many has she? A Just three living.  
Q What are their names? A Well, Arden Jamison.  
Q The next one? A Huddleston Sam.  
Q The next one? A Feely Dixon, wife of John Dixon.  
Q They are all the children she has living? A Yes, sir.

Columbus Dixon, et al.,9.

- Q Now, Feely and Huddleston are full brother and sister? A Yes, sir.
- Q And Arden is a half brother to them? A Yes, sir.
- Q Now, was Louisa a full sister to Arden? A Yes, sir.
- Q Did your wife ever have any other children? besides Louisa, who are now dead? A Yes, two boys died and two girls died.
- Q Did any of them leave children? A No, I think raised all of them - oldest one of them did have one, but I don't know whether he is living now or not; he was in the Nation, you know.
- Q Out in the territory? A Yes, sir.
- Q What was the name of this one that left a child? A Kly Benton.
- Q What was the mother's name? A I have forgotten it.
- Q The mother of this child was the daughter of your wife? A Yes, sir.
- Q Are there any further statements you care to make at this time? A No, sir.
- Q Do you know any old person who would likely know whether any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Bettie Martin, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.
- Q Don't know of any one? A No, sir.
- Q Have you any witnesses here to-day? A No, sir.

In case you should find any witnesses, whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language, and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above cause on the 17th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 23rd day of December, 1901.

*L. R. Martin*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

9 Deputy.

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... this, however, the opinion of this Commission that  
 Colombia has, this time, been unfairly called in question  
 as it did not follow the 1944 orders.

*C. R. Bucknidge*

...erritor,

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M.C.R. 4408.

Wuskogee, Indian Territory, February 21, 1903.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Columbus Dixon, his wife Sallie Dixon, and minor grand-daughter Bettie Martin, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 741).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Columbus Dixon, his wife and grand-daughter, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. M. C. R. 4408.

Acting Chairman.

Muskogee, Indian Territory, March 11, 1903.

Columbus Dixon,

Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Sallie Dixon, and your minor grand-child Bettie Martin, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Registered

Chairman.

Enclosure 4408

MCR 4408

M C 382

Muskogee, Indian Territory, May 15, 1903.

Commissioner in Charge,  
Chickasaw Land Office,  
Tishomingo, Indian Territory.

Dear Sir:

The following notations have this day been made upon  
Mississippi Choctaw card No. 382:

SETTLEMENT ADDRESS: "Calloway, Ind. Ter."

DATE OF PROOF OF SETTLEMENT: "May 12, 1903."

"Declaration and proof of settlement applies to No. 1  
only."

You are requested to make like notations upon the duplicate card in your possession in accordance with the above information.

Respectfully,

Commissioner in Charge.

M.C.R.  
4474, 4408, 4403  
Choctaw 4850

Muskogee, Indian Territory, July 9, 1903.

J.J. Beckham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledge of your communication of June 7, 1903, in which you ask to be advised if Wes Amos and family have been identified; also if Rosa Anderson, wife of Robert Anderson, has been enrolled as an inter-married citizen of the Choctaw Nation and if two minor children born to her in November, 1902, can be enrolled. You also ask how to proceed to get Bettie Martin, granddaughter of Sallie Dixon, allotted and what are the necessary steps to be taken in order to secure an allotment for Arden Jamison who died January 1, 1903, prior to his identification as a Mississippi Choctaw on February 14, 1903.

Replying to your communication you are advised that it appears from our records that Wes Amos, his wife, Lina, and minor children, Jasper, Dora, Cleveland, Bennett and Willie Amos were on April 22, 1903, duly identified by this Commission as Mississippi Choctaws and on May 6, 1903, the principal applicant, Wes Amos, was duly notified of such decision.

You are further advised that it appears from our records that Rosie Anderson, wife of Robert Anderson, post office Atoka, Indian Territory, is an applicant to this Commission for enrollment

J.J.Beckham---2

as an inter-married citizen of the Choctaw Nation. Up to the present time no decision has been reached as to the rights of Rosie Anderson to enrollment as an inter-married citizen of the Choctaw Nation, but the Commission is now considering her application and when such decision is rendered she will be duly notified thereof.

Relative to right to enrollment of the two minor children of the above mentioned Rosie Anderson born about November, 1902, your attention is directed to the following provision of the act of Congress approved July 1, 1902, and ratified by the Choctaw and Chickasaw Nations on September 1, 1902:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 7 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations."

Under the above provision the Commission is now without authority to receive or consider the application of any person for enrollment as a child born to blood or intermarriage of the Choctaw Nation.

You are further advised that it does not appear from our records that Bettie Nixon has appeared before either of the land offices in the Choctaw and Chickasaw Nations and made proof of settlement and application for allotment of land for herself and Bettie Martin.

With reference to the death of Arden Jamison there is enclosed you herewith blank form for proof of death and you are requested to have the same filled out and returned to this Commission at the earliest possible time. When the records of the Com-

J.J.B.---3

mission are completed in this respect your request relative to the procedure necessary to secure an allotment for him will receive further consideration.

Respectfully,

Commissioner in Charge.

1869

No 4150

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

Name **Columbus Dixon**

Age 49

Profession Civil Engineer

Place of Birth Dixon d

Married Single d

Parents John & Mary Dixon  
Age 53  
Place of Birth Georgia  
Profession Farmer  
Married Single d

Grandfather John  
Belonged to the Choctaw  
Father S. Martin  
Mother Mary  
13  
d  
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State of Mississippi  
Attest

*Columbus Dixon et al*

11 1992



Choctaw MCR 4409

George L. Trigg

MCR 4409

**REPORT OF THE COMMISSIONER  
OF THE GENERAL LAND OFFICE  
TO THE SECRETARY OF THE INTERIOR**

**In the matter of the application of George L. Trigg  
for identification as a Homesteaded Quarter. F.L.R. 4409.**

List of papers referred to in the report of the Interior,  
and also the papers in the case.

**Original application of George L. Trigg  
to the Dues Commission for identifica-  
tion as a Homesteaded Quarter.....1**

**Decision of the Commission denying the  
application of George L. Trigg for iden-  
tification as a Homesteaded Quarter.....7**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, October 13, 1902.

In the matter of the application of George L. Trigg for  
identification as a Mississippi Choctaw, W.C.R.4409.

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In accordance with a letter from the Secretary of the Interior  
of September 3, 1902, remanding this case for further hearing, said  
case was set for such rehearing on Monday, October 13, 1902, and  
the applicant herein and the attorneys for the Choctaw and Chickasaw  
Nations notified under date of September 13, 1902.

---

At the office of the Commission to the Five Civilized Tribes,  
at Muskogee, Indian Territory, on October 13, 1902, this case being  
set for rehearing at this date, and said case being called, there  
was no appearance on the part of the applicant herein nor by the  
attorneys for the Choctaw and Chickasaw Nations.

---

I, Julius Y. Miller, stenographer to the Commission to the  
Five Civilized Tribes, do hereby certify that the above is a full,  
true and correct transcript of my notes of the proceedings had  
in said case on said 13th day of October, 1902.

Sworn to and subscribed before me this 29th day of October, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, October 13, 1902.

In the matter of the application of George L. Trigg for  
identification as a Mississippi Choctaw, M.C.R. 4409.

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was no appearance on the part of the applicant herein nor by the  
attorneys for the Choctaw and Chickasaw Nations.

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I, Julius Y. Miller, stenographer to the Commission to the  
Five Civilized Tribes, do hereby certify that the above is a full,  
true and correct transcript of my notes of the proceedings had  
in said case on said 13th day of October, 1902.

Sworn to and subscribed before me this 20th day of October, 1902.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. December 21, 1901.

4409.

In the matter of the application of George L. Trigg, for identification as a Mississippi Choctaw.

---Not represented by attorney---

George L. Trigg, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George L. Trigg.  
Q What is your age? A Forty.  
Q How much Choctaw blood do you claim, to have? A About one quarter.  
Q What is your post office address? A Muskogee.  
Q How long have you lived in Muskogee? A About nine years---about here.  
Q Where did you live before you lived here? A My old home was Missouri.  
Q Were you born in Missouri? A Yes sir.  
Q Did you ever live anywhere else except Missouri and the Indian Territory? A Yes, Tennessee, North Carolina and Washington City.  
Q Did you ever live in the state of Mississippi? A No sir.  
Q Is your father living? A No sir, he is dead.  
Q What was your father's name? A George.  
Q George Trigg? A Yes sir, he went by that name.  
Q How old would your father be if he were living now? A About eighty five.  
Q Is your mother living? A No sir, she is dead.  
Q What was her name? A Julia Trigg.  
Q How old would your mother be if she were living? A About seventy five, I think.  
Q From which of your parents do you claim your Choctaw blood? A From my father.  
Q Where was your father born? A Born in Alabama.  
Q How long did he live in Alabama---Did he live there all his life? A No sir.  
Q Where did he move to? A Lived in Mississippi and then went to Missouri.  
Q Moved from Alabama to Mississippi and from Mississippi to Missouri? A Yes sir.  
Q Where did he die? A Died in Missouri.  
Q Were your father and mother legally married? A Yes sir.  
Q Under a marriage license? A Yes sir.  
Q Were they married by a minister or by an official? A Married by a minister.  
Q When and where were they married? A Marshall, Missouri.  
Q Have you the marriage license and certificate between your father and mother? A No sir.

George L. Trigg-----2.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother by filing the original marriage license and certificate or certified copy of same.

- Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Pinkie A. Trigg.  
Q Does she make any claim to Choctaw blood at this time? A Yes sir.  
Q Do you desire to make application for her? A No sir, she has made her application.  
Q When did she make this application? A About three weeks ago.  
Q How much Choctaw blood does she claim to be possessed of? A About one half, I think.  
Q How old is your wife? A About forty four, I guess.  
Q What was the name of your wife's father? A I don't know his name---his name was Loudoun---William Loudoun.  
Q What was her mother's name? A Mary Ann Loudoun.  
Q Through which one of her parents did she derive her Choctaw blood? A Her mother.  
Q How old did you say your wife was? A I think about forty four.

The records of the Commission show (M.C.R.4163) Pinkie A. Trigg applied for identification as a Mississippi Choctaw, November 23, 1901, giving her age as forty years; one half Choctaw; name of husband George L. Trigg---Claimed for herself alone).

- Q Have you any children? A I have one.  
Q Do you desire to make application for that child? A I don't know whether I could.  
Q Is the child under twenty one years of age and unmarried? A She is sixteen, she is in school now.  
Q What is the name of that child? A Minnie V. Trigg, age sixteen.  
Q Is this child the child of yourself and Pinkie A. Trigg? A No sir.  
Q What is the name of the mother of this child? A Fannie Emery.  
Q Is she a wife of yours by a former marriage? A No sir.  
Q You were never married to her? A No sir.  
Q Is this child living with you? A Yes sir.  
Q Was this child born out of wedlock? A Yes sir.  
Q Is Fannie Emery dead? A Yes sir, died about two years ago.  
Q Did Fannie Emery claim any Choctaw Indian blood? A No sir, not as I know of.  
Q Do you desire to make application for this child claiming its Choctaw blood through you? A Yes sir.  
Q You are the father of this child? A Yes sir.

The Commission cannot hear your application for this child. Under the law, the blood follows the mother, and unless you could prove a legal marriage to the mother of this child, the child would have no right.

The applicant withdraws the application for the child.

- Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States authorities, A No sir, not as I know of.

George I. Trigg-----3.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded in Mississippi on the 27th day of September, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830; At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of that treaty was to secure the removal of the Choctaws from what constituted the old Choctaw Nation to the new country west of the Mississippi river. At the time that treaty was made, some of the Choctaws did not want to remove to the new Choctaw Nation but preferred to remain in what constituted the old Choctaw Nation. For the benefit of this class of Indians, the fourteenth article was put into the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age and a quarter section to such child as may be over ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi and Alabama and receive land from the government under its provisions, he should within six months from the ratification of the treaty--the treaty being ratified on the 24th day of February, 1831--signify to the agent his intention---that is, he must let the agent know in some way that he desired to remain and take advantage



George L. Trigg-----4.

of the provisions of the fourteenth article. After a Choctaw had signified his intention to remain and receive land under this article, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child unmarried and over ten years of age; he was entitled to a half section of three hundred and twenty acres of land, and for each child under ten years he was entitled to a quarter section of one hundred and sixty acres, the reservations of the children to adjoin the location of the parent and these reservations to include the improvement of the head of the family at the time the treaty was made, September 27, 1830. This article also required that a Choctaw having received his land under this article should reside upon that land for a term of five years, after which the government would give him a title in fee simple for it, and thus enabling him to dispose of the land at his pleasure. The last clause is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is, if a Choctaw having complied fully with the fourteenth article by accepting land and residing upon said land for a term of five years, ever removed did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit his rights to the Choctaw annuities--the annuities were monies paid to the Choctaw Indians by the government under treaty provisions.

Q What is the name of your Choctaw ancestor who resided in Mississippi and was the head of a family on the 27th day of September at the time this treaty was concluded? A It was my grandmother's father; I think it was; his name was Wiley--I forget his first name.

Q Your grandmother's father? A Yes sir.

Q Through whom did your father derive his Choctaw blood? A From his mother.

Q What was his mother's name. A Lucy, I don't know her other name. It is too far back; she went by name of Lucy Woods in my day.

Q Was she your father's mother? A Yes sir.

Q How did your father get the name of Trigg, if her name was Woods? A He got it from his master.

Q They were slaves, were they? A Yes sir.

Q Was Lucy Woods married and the head of a family in 1830? A Yes sir, I think she was.

Q Was Lucy Woods recognized by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians in 1830? A I don't think she was at that time, no sir.

Q How much Choctaw blood did she have? A She was a full blood, I suppose. I have seen her, she looked like a full blood.

Q She was a slave? A Yes sir, she was kidnapped.

Q What was Lucy Wood's husband's name? A David Woods in my time.

Q Did he possess any Choctaw blood? A No sir.

Q Of what race was he? A He was a negro.

Q Did Lucy Woods ever comply or attempt to comply with the provisions of the fourteenth article of this treaty which I have just explained to you? A Not that I know of.

Q Did your ancestor, Lucy Woods, own any improvements on what constituted the old Choctaw Nation in Mississippi and Alabama at the time his treaty was concluded, September 27 1830? A No sir, I never heard her say.



George L. Trigg-----5.

Q Did she own any improved lands---lands with houses on them or fences? A I think I have heard her speak of her father's place.  
Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838, when the great portion of the Choctaws emigrated to the new territory? A No sir, I don't know about that.  
Q Did Lucy Woods, this ancestor of yours, within six months from the ratification of this treaty, that is within six months from the 24th day of February, 1831, go before the government agent in Mississippi and signify her intention of remaining in the state and accepting land under the provisions of that article? A No sir, I don't think so.  
Q Did she ever claim or receive any land in Mississippi from the government of the United States under the provisions of this fourteenth article? A No sir, not that I know of.

In accordance with the provisions of this fourteenth article, the government directed an agent in Mississippi to register the names of all those Choctaws who desired to remain and become citizens of the states and accept land under this article. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who really did signify to him their intention of remaining in the state and received benefits under this article. On this account in many instances the land upon which Choctaw Indians had improvements and which they desired reserved for them were sold by the government at its public land sales. This caused a great many complaints by the Choctaws and these complaints finally reached Congress and Congress under various acts appointed commissions to go to the state of Mississippi and investigate these claims. These Commissions investigated a number of claims, and the claims that were allowed if the lands had not been sold by the government the Indians were put in possession of them; if, however, the lands had been sold, and the Indians established their rights before these Commissions they were given scrip in lieu of land that was sold, and under this scrip they were entitled to locate on vacant government land in Mississippi, Louisiana, Alabama or Arkansas.

Q Did your ancestor appear before either of these Commissions and attempt to establish any claim they might have to land under the provisions of this article? A I don't know.  
Q Did any of your Choctaw ancestors own any land in Mississippi, Alabama, Louisiana or Arkansas? A I have heard her speak of her father's place.  
Q Do you know whether Lucy Woods owned any land? A No sir.  
Q Did she ever receive from the government of the United States any scrip through these Commissions who were investigating these claims? A None as I know of.  
Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A Not as far as I know.  
Q So far as you know did any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A Not that I know of, no sir.  
Q Have you any witnesses before the Commission today whom you desire to introduce in support of your application? A No sir, none today.  
Q Have you any documentary evidence, deeds to land or patents that

George L. Trigg-----6.

would tend to show that your Choctaw ancestors ever received any land from the government of the United States as Choctaw Indians?

A No sir.

Q Do you know of the existence of any such documentary evidence?

A No sir.

Q Do you know of any witnesses whom you could bring before this Commission to testify to your Choctaw ancestors having complied or attempted to comply with the provisions of this fourteenth article.

A No sir.

Q Do you know of any witnesses you could bring before this Commission who could testify that your ancestors did receive land or benefits under this article from the government of the United States? A No sir.

Q Do you desire to offer any written evidence in support of your application at this time? A No sir.

Q Do you speak or understand the Choctaw language? A No sir, I have heard my grandma speak some of the language.

Q Are there any further statements you desire to make? A No sir.

This applicant has the features and physical appearance of a person of negro parentage. He does not understand or speak the Choctaw language. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21st day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 27 day of December, 1901.

*[Signature]*

Commissioner

*Cum*  
*ad*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of George L. Trigg  
for identification as a Mississippi Choctaw. M.C.R. 4409.

--: D E C I S I O N :--

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
by George L. Trigg for himself, under the following provision of the  
act of Congress approved June 23, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the  
United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, and to that  
end may administer oaths, examine witnesses and perform  
all other acts necessary thereto and make report to the  
Secretary of the Interior."

It also appears that said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between the  
United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being a descendant

(2).

of one \_\_\_\_\_ Wiley, who is alleged to have been a Choctaw Indian, (degree of blood not given) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said \_\_\_\_\_ Wiley, or ancestors less remote, signified (in person or by proxy) to Colonel Vn. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 160) and August 23, 1842, (5 Stats., 813).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

(3).

George L. Trigg, as a Cheetaw Indian entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
C. A. Buckner

Muskogee, Indian Territory,

JUL 25 1900

COPY

M.C.R. 4409

Muskogee, Indian Territory, July 25, 1902.

Messrs. Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George L. Trigg, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George L. Trigg, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this

-2-

(G L T)

date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*W. B. Woodcock*

Commissioner in Charge.

COPY.

M C R 4409

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of George L. Trigg, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 25, 1902.

The Commission has the honor to report that the applicant, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.  
1 enclosure.



COPY

M.C.R. 4409

Muskogee, Indian Territory, July 25, 1902.

George L. Trigg,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George L. Trigg, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George L. Trigg, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

-2-

(S L T)

action as may be taken by him.

Yours truly,

(SIGNED

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, October 29, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

In the matter of the application for identification as a Mississippi Choctaw of George L. Trigg, the Commission has to report that upon receipt of Departmental communication of September 3, 1902, (I. T. O. 5369-1902), returning the record theretofore forwarded therein, with instructions that the applicant be granted further opportunity to furnish additional testimony showing that he is descended from "Wiley, child of Gunne-mo-tubbee, who received scrip in lieu of land", the applicant was, on September 13, 1902, notified by registered mail that he would be allowed thirty days within which to submit evidence tending to show his descent from "Wiley, child of Gunne-mo-tubbee, who received scrip in lieu of land", and on the same date the attorneys for the Choctaw and Chickasaw Nations were notified that the Commission would hear the testimony of witnesses and receive documentary evidence in support of the above named application up to and including October 13, 1902.

On October 13, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the case

of George L. Trigg was called for hearing, in accordance with this notice, but no appearance was made by or on behalf of the applicant herein, or by the attorneys for the Choctaw and Chickasaw Nations.

The applicant in this case having failed to enter any appearance or introduce additional evidence tending to show his descent from "Wiley, child of Gunne-mo-tubbee, who received scrip in lieu of land," or that the \_\_\_\_\_ Wiley, from whom he claims descent, or any ancestor less remote, complied with the provisions of the fourteenth article of the treaty of 1830, or presented claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513), for the adjudication of such claims, the original record in the case of George L. Trigg, applicant for identification as a Mississippi Choctaw, is therefore herewith transmitted, together with the additional proceedings, with the recommendation that the decision of the Commission refusing the application of the said George L. Trigg be approved.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

M.C.R. 4409.

Commissioner.

Through the Commissioner  
of Indian Affairs.

COPY.

Land 65289-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, the application of George L. Trigg for identification as a Mississippi Choctaw wherein a decision adverse to him was rendered by the Commission to the Five Civilized Tribes July 25, 1902.

Under date of August 22, 1902 (450889-1902) this office recommended that the case be remanded to the Commission and that the applicant be furnished with a copy of our letter and be granted further opportunity to furnish additional testimony showing that he is descended from "Wiley, child of Cumme-mo-tubbee, who received scrip in lieu of land."

Under date of September 3, 1902 (I.T.D. 5362-1902), the Department so notified the Commission who on September 13, 1900 notified the applicant and the attorneys for the Choctaw and Chickasaw Nations that they would be granted 30 days from that date in which to procure such evidence &c.

October 13, 1902, the case was called for hearing, in accordance with this notice, but no appearance was made by or on behalf of the applicants or by the attorneys for the Choctaw and Chickasaw Nations.

This being the case it is recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

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D. C. No. 6465-1903.  
I.T.D. 5362-1902.  
1670-1903.  
L. R. S.

J.W.H.  
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DEPARTMENT OF THE INTERIOR.  
Washington.

March 5, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

October 29, 1902, you transmitted the record in the case of George L. Trigg, applicant for identification as a Mississippi Choctaw, together with your decision of July 25, 1902, refusing to identify him as such.

It seems that George L. Trigg was Born in 1861. He obtained his Choctaw blood from his father, George Trigg, who was born in Alabama about 1816. The latter was the son of one Lucy, who was a full blood Choctaw and a slave. It is claimed that she was kidnapped when a child. She was the daughter of one \_\_\_\_\_ Wiley, a full blood Choctaw Indian.

August 22, 1902, reporting in the matter, the Acting Commissioner of Indian Affairs stated that

"The records of the office show that several persons by the name of Lucy complied with the provisions of the 14th article of the treaty of 1830, but the office has been unable to identify any of the persons by the name of Lucy who complied with the provisions of the treaty as the grand-mother of this applicant."

"The records also show that Wiley, child of Cunne-mo-tubbe, was the child of a head of a family who received scrip in lieu of land,"

and recommended that the case be remanded for a rehearing.

September 3, 1902, concurring in said recommendation, the Department instructed you to afford the applicant a further opportunity to furnish additional testimony in support of his claim. In compliance with said instructions you informed the said George L. Trigg that up to and inclusive of Monday, October 13, 1902, you would hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered tending to show that he is the direct lineal descendant of the said Wiley.

It appears that the applicant made no effort to avail himself of the opportunity so afforded.

Reporting again in the matter February 14, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be affirmed.

There is no testimony in the record which warrants the conclusion that Lucy, the alleged ancestor, is identical in person with any of the Lacy s who complied with the provisions of article 14 of the treaty of September 27, 1830 as shown by the records in the possession of the government, and, in as much as the father of George L. Trigg, viz: George Trigg, was born in 1816, it is



evident that the latter's grandfather, \_\_\_\_\_ Wiley, was not the Wiley referred to by the Acting Commissioner in the paragraph quoted above, since the latter was but a child at the time when scrip was issued. The Department is therefore of the opinion that this applicant has failed to establish his claim. Your decision is hereby affirmed.

A copy of the Acting Commissioner's letter of February, 14, 1903, is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

M.C.R. 4409

Muskogee, Indian Territory, March 14, 1903.

George E. Trigg,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 25th day of July, 1902.

Respectfully,

Chairman.

Waskogee, Indian Territory, March 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 5th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of George L. Trigg, of which decision you were advised by mail on the 25th day of July, 1902.

Respectfully,

*Samuel D. H.*  
Chairman.

# For Identification as a Mississippi Choctaw.

1871  
 George L. Trigg.

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1870 George Trigg. Dead

1870 Julia Trigg. Dead

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Choctaw MCR 4410

Green Sam

MCR 4410

1. The following information is being furnished to you for your information and use only. It is not to be distributed outside your agency.

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2. The following information is being furnished to you for your information and use only. It is not to be distributed outside your agency.

3. 4410.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 18, 1901.

In the matter of the application of Green Sam for the identification of himself, his wife, Eliza Jane, and minor children, Sam Jones, Ephram, Dixie and Hugh Summers, as Mississippi Choctaws.

Green Sam, having been first duly sworn, upon his oath testified as follows: (Oscar Billee, Official Interpreter.)(

Examination by the Commission.

- Q What is your name? A Green Sam.
- Q How old are you?? A About thirty years old, I reckon.
- ✓ Q How much Choctaw blood have you? A I reckon full blood.
- Q What is your post office address? A Free trade, Mississippi.
- Q How long have you lived in Leake County? A Ever since I was born.
- ✓ Q Is your father living? A Yes.
- ✓ Q What is his name? A Ellis Sam.
- Q Has your father a Choctaw name? A No.
- ✓ Q Is your father a full blood Choctaw? A Yes.
- Q Where does he live? A Close where I live.
- Q Has your father always lived here in Mississippi? A Yes, I reckon so.
- Q Has he a Choctaw name? A I reckon not, I never did hear it.
- Q Do you know the name of his father? A No.
- Q Or his mother? A No.
- ✓ Q Is your mother living? A No.
- ✓ Q What was her name? A I don't know; I didn't know him, been dead long time.
- Q You don't know what her name was at all? A No, never did hear it.
- Q Do you remember ever having seen her? A Yes, I don't remember.
- ✓ Q Do you know whether she was a full blood Choctaw? A Yes, I reckon full blood.
- Q What makes you think she was? A I don't know.
- ✓ Q Did you ever hear any one say whether she was a full blood? A Yes, I reckon full blood.
- ✓ Q Did you ever hear your father say whether your mother was a full blood Choctaw or not? A Yes, full blood, I reckon.
- ✓ Q Well, now, you have always understood then that your mother was a full blood Choctaw, have you? A Yes.
- Q Did she always live here in Mississippi? A Yes.
- Q Do you know the name of her father? A No.
- Q Or her mother? A No.
- Q You don't know the name, then, of any one of your ancestors except your father? A No, that's all.
- Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes.
- ✓ Q And they have all been full blood Choctaws? A Yes.
- Q Are you married? A Yes.
- ✓ Q Wife living? A Yes.



Green Sam, et al., 2.

- ✓ Q What's her name? A Eliza Jane.
- Q Are you living with her? A Yes.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- ✓ Q Is she a full blood Choctaw? A Yes.
- Q Do you want to give in her name too? A Yes.
- Q How old is she? A I reckon about twenty eight, somewhere along there.
- Q Has she always lived in Mississippi? A Yes.
- ✓ Q Is her father living? A No, I reckon not.
- Q What was his name? A I don't know.
- Q Did you ever see him? A No.
- Q Do you know what his name was? A No.
- ✓ Q Was he a full blood Choctaw? A Yes.
- ✓ Q How did you learn that? A I don't know.
- ✓ Q Did you ever hear that he was? A Eliza Jane's grand mother told me.
- ✓ Q You have always understood, then, that your wife's father was a full blood Choctaw, have you? A Yes.
- Q Is your wife's mother living? A No.
- Q What was her name? A I don't know; you see, his grand mother raised her and I don't know anything about my wife's parents.
- Q Are any of your wife's grand parents living now? A No.
- Q Do you know the name of any one of her grand parents? A No, I don't know.
- ✓ Q So far as you know, have all of your wife's parents all been full blood Indians? A Yes, I reckon so.
- Q And they have always lived here in Mississippi have they? A Yes.
- Q Have you ever been married more than once? A No.
- Q How many children have you living? A Four.
- Q What are their names, the oldest one first? A Sam Jones, Ephram, Dixie.
- Q The next one? A Hugh Summers.
- Q Now, Sam Jones is a boy? A Yes.
- Q How old? A I think going on thirteen years old.
- Q Ephram a boy? A Yes.
- Q How old is Ephram? A Going on ten.
- Q Dixie is a girl? A Yes.
- Q How old? A Going on eight.
- Q Hugh Summers a boy? A Yes.
- Q When was he born? A October 10th, last year.
- Q That all of your children? A Yes.
- ✓ Q This application, then, is for yourself, your wife and four minor children? A Yes.
- Q Is your name, your wife's name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, your wife, or any of these minor children, to be admitted or enrolled as members of that tribe? A No.
- Q Did you, or any one for you, in the year 1890, make application to this commission for citizenship in the Choctaw Nation for yourself, wife or any of these minor children? A No.
- Q Have you ever made any application of any kind before to-day for yourself, your wife, or any one of these children? A Yes, three years ago at Carthage.

Green Sam, et al., 3.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife, Kliza Jane, and minor children, Sam Jones, Ephram, Dixie and Sallie E., as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 45; also, upon page 39 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 147, 148, 149, 150, 151 and 152, respectively, thereon.

Q This application made three years ago is the only one of any kind you have made? A Yes.

Q At the time you made application three years ago, did you have a child living by the name of Sallie E.? A Yes.

Q Is she living now? A No.

Q When did she die? A I think just one year about this time.

Q About a year ago now? A Yes.

Q Was it before Christmas or after Christmas? A I think it was January.

Q Were you present when she died? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, for yourself, wife and four minor children? A Yes.

Q You have heard the 14th article of that treaty explained several times have you not, to applicants? A Yes.

Q Do you understand its provisions, do you? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that 14th article? A I don't know.

Q Did any of them own an improvement here at the time this treaty was made? A If they did, I don't know it.

Q Were any of them living here at that time? A If they were, I don't know it.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1836 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Green Sam, et al., 4.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors ever having received any land here in Mississippi from the Government? A Never did hear.

Q Did you ever hear of any of them ever having gotten any money from the Government? A Never did hear that.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This second commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

The Act of Congress approved August 23, 1-42, provided that in case it should be finally determined that a Choctaw

Green Sam, et al., 5.

had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Did you ever hear of any deed or patent, issued to any of your ancestors, or any of your wife's ancestors, by the Government of the United States covering land here in Mississippi? A Never did hear of such a thing.

Q So far as you know, were any of your wife's ancestors, or any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know?

Q Or did any of them ever receive any benefits as such? A I don't know that.

Q Did any of them ever live in Indian Territory? A I don't know.

Q Do you know any old person who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No.

Q Have you any full brothers living? A No.

Q Any full brothers dead? A Yes.

Q How many? A Just one.

Q What was his name? A Wash Sam.

Q Did he leave any family? A Yes, he got one boy and one girl.

Q What are their names? A One of them Dennis Sam.

Q Any the other one? A Yes.

Q Is his wife living? A No.

Q She died too? A Yes.

Q Did you ever have any full sisters? A Yes, got two full sisters.

Q Are they living? A Yes.

Q What are their names? A One of them named Martha.

Q Martha what? A One named Fannie.

Q What is Martha's name? A Martha Billey, the wife of Richmond

Green Sam, et al., 6.

Billey.

- Q She is a full sisters of yours? A yes.  
Q What is Fannie's husband's name? A Dennis Bannie.  
Q She is a full sister of yours, too? A Yes.  
Q That all the full sisters living? A yes.  
Q Have you any full sisters dead? A No, I reckon not.  
Q Have you any half sisters living? A Yes, that Nannie, Nannie Primus the wife of Ben Primus.  
Q Have you any half brothers living? A Yes, Fountain Sam.  
Q Have you any half brothers dead? A No.  
Q Have you any half sisters dead? A No.  
Q Was your wife any brothers living? A No, all died out.  
Q Did any of them leave children? A No.  
Q Was your wife any sisters living? A No, aint got no full sisters; one half sister.  
Q What is her name? A That's Nannie Martin, the wife of Tommy Martin.  
Q Is that all? A Yes, that's all.  
Q Are any of your father's brothers living? A Aint got no full brothers.  
Q Has he any half brothers living? A Yes, Peter and Madison Ben.  
Q Has your father any full brothers dead? A Yes.  
Q How many? A One, Captain Jim Sam.  
Q Did he leave any children? A Two.  
Q Are they living now? A Yes.  
Q What are their names? A Huddleston Sam and Feely Dixon, the wife of John Dixon.  
Q Did your father ever have any full sisters? A Yes.  
Q Are any of them living now? A Yes.  
Q How many? A One.  
Q Martha Jacobs, and she lives over in Neshoba County? A Yes.  
Q That all? A Yes.  
Q He has no sisters dead? A No.  
Q Are any of your mother's brothers or sisters living, or any of their children living? A I don't know anything about them.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A No, none.  
Q Are any of your wife's mother's brothers or sisters, or any of their children living? A No, I don't know.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Green Sam, et al., 7.

Subscribed and sworn to before me at Carthage, Mississippi,  
this 24th day of December, 1901.

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *J. B. [unclear]*

Deputy.

*Cow*

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

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In the matter of the application of Green A., et al., for  
identification as *indian* Indians, H. L. 441.

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It appears from the record herein that application for  
identification as *indian* Indians was made to this Commission  
on October 1, 1911, by Green A., for himself, his wife, Miss  
Jane A., and his four minor children, Mary A., John A., Alice and  
Paul A., under the following provision of the Act of Con-  
gress approved June 28, 1906, (34 Stat., 493):

"That Commission shall have authority to determine the  
identity of *indian* Indians claiming rights in the *Indian* Lands  
under article 10 of the treaty between the United States  
and the *indian* Nation, concluded September twenty-seventh,  
eighteen hundred and thirty, and to that end may administer  
oaths, examine witnesses, and perform all other acts necessary  
therefor and make report to the Secretary of the Interior."

For the evidence submitted in support of said application  
it appears that the applicants are *indian* Indians, *indian* Indians  
Indians.

Section thirty-one of the Act of Congress entitled "An Act  
to ratify and confirm the agreement with the *indian* and *indian*  
tribes of *indian*, or other purposes," approved July 1, 1911,  
(34 Stat., 601), and article 10 of the *indian* Indian  
agreement of July 1, 1911, provides as follows:

"The application of no person for identification as  
*indian* Indian shall be received by this Commission after  
six months have passed from the date of the identification of  
the *indian* Indian in the identification of such *indian* Indians all  
*indian* Indians *indian* Indians *indian* Indians *indian* Indians  
any *indian* Indian *indian* Indian *indian* Indian *indian* Indian  
who received *indian* Indian under the first four articles  
of the *indian* treaty of *indian* Indian and thirty who had not





COPY.

Mustang, Indian Territory, July 8, 1903.

Green Hill,

Free Trade, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 8, 1903, identifying yourself, your wife Wiza Jane Gay, and minor children Sam Jones Gay, Ephram Sam, Dixie Gay and Mary Susan Gay, as Chickasaw and Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 8, 1904, you will have six months from that date, or until July 8, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

RECEIVED

T. D. [Signature]

Commissioner in Charge.

Registered.

Enc. 4410.

COPY.

Mustang, Indian Territory, July 3, 1903.

Manfield, Carson & Corning,  
Attorneys for Freedmen and their families,  
Mustang, Indian Territory.

Gentlemen:

Enclosed you will find a copy of the petition of the said Freedmen, dated July 1, 1903, identifying Green, his wife and children, claiming children of Santa Anna, Spanish, and his family, and the said Charles and his family, the provisions of section 61 of the Act of Congress approved July 1, 1902 (32 Stat., 617).

You are hereby advised that you will be required to render due proof in this matter with the Freedmen such proof as you may desire to make against the action of the Commission in favor of the said Green, his wife and children, and his family, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of names to be distributed to the Freedmen being prepared by this Commission.

Respectfully,

400

J. E. ...

Registered.  
Enc. 4410.

Commissioner in Charge.

COMMISSIONER  
THOMAS S. BARNES  
T. S. BARNES  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALBION J. BARNES  
SECRETARY

There is one copy of this testimony filed with the record in the matter of the application of Richmond Billey, et al.,  
W T R 3060.

Also one copy forwarded to Mansfield, McMurray & Cornish, February 25, 1904, as they request a copy of all oral testimony in the Mississippi Choctaw case of Richmond Billey.

McM

1870

No. 4110

# For Identification as a Mississippi Choctaw.

(List)

Name *John Dism*

Age *25* Sex *M* Color *B*

Place of Birth *Choctaw, Miss*

Place of Residence *Choctaw*

*11*

Marital Status *Single*

*1*

Occupation

Education *None* (none)

Father *John Dism*

Mother *John Dism*

Other names *John*

*12*

Color *B*

*9*

Place

*11*

Other names

*1*

Signature

*John Dism*

From June et al.

Choctaw MCR 4411

Millan Sam

See MCR 53

MCR 4411

Choctaw MCR 4411

Millan Sam

See MCR 53

MCR 4411

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Millan Sam, for identification as a Mississippi Choctaw, M.C.R. 4411.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Millan Sam to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Copy of affidavit of Ellis Sam-----	8
Copy of affidavit of Jeff W. Scott-----	10
Decision of the Commission refusing the ap- plication of Millan Sam for identifica- tion as a Mississippi Choctaw-----	11.

---o---



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 18, 1901.

In the matter of the application of Millan Sam for identification as a Mississippi Choctaw.

Millan Sam, having been first duly sworn, upon his oath testified as follows: (Oscar Billee, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Millan Sam.  
Q How old are you? A I am twenty five in March.  
Q How much Choctaw blood have you? A Half.  
Q What's your post office address? A Free trade, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Twenty five years.  
Q All your life? A Yes.  
Q Is your father living? A Yes.  
Q What is his name? A Clay Freaney.  
Q Has he any Choctaw blood? A No.  
Q He is a white man, is he? A Yes.  
Q Is your mother living? A Yes.  
Q What is her name? A Julia Sam.  
Q Is your mother a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q About how old is she? A About fifty or sixty.  
Q Do you know the name of her father? A Yes.  
Q What is his name? A Billy Baker.  
Q How long has he been dead? A Been dead three or four years.  
Q Was he a full blood Choctaw? A Yes. I don't know.  
Q Did you ever see him? A Yes.  
Q Do you know whether he is a full blood Choctaw, or not? A I reckon so.  
Q He looked like a full blood Choctaw, did he? A Yes.  
Q Did he talk the Choctaw language? A Yes.  
Q Talk any English? A Yes.  
Q Where did he die? A In Territory.  
Q Indian Territory? A Yes.  
Q When did he go out there? A He been gone ten years; been died about four years.  
Q Did he live here in Leake County before he went to the Territory? A Yes.  
Q Is your mother's mother living? A No.  
Q What was her name? A I don't know.  
Q Was she a full blood Choctaw? A Yes.  
Q Did you ever see her? A No.  
Q What makes you think she was a full blood? A I reckon she was a full blood Choctaw.  
Q Did you ever hear any one say whether she was a full blood or not? A No, never did hear.  
Q You are sure, though, that your mother is a full blood, are you? A Yes.

Millan Sam, 2.

Q Do you know the names of any of your mother's grand parents?

A I don't know.

Q Did your mother's mother ever live in Indian Territory? A I don't know.

Q Did you ever hear of any of your ancestors except your mother's father ever having lived in Indian Territory? A I don't know.

Q Do you know whether Fat Billy Baker was ever admitted to citizenship out in the Indian Territory? A I don't know.

Q You don't know whether he was a recognized member of the tribe out there, or not? A No.

Q Are you married? A No.

Q Ever been married? A No.

Q This application, then, is for yourself and only is it? A Yes.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe, or did any one else ever make such an application for you? A I didn't make any myself, and I don't know whether any one else ever did or not.

Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any kind before to-day or has any one else ever made such an application for you? A I did three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card, Field Number 53; also, upon page 41 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Number 200 thereon.

Q What relation is Ellis Sam to you? A Step father.

Q Is his name El is Sam or Sam Ellis? A Ellis Sam.

Q He gave in your name to the Commission three years ago, didn't he? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws

William Sarr, et al., 3.

lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to move from this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who lived here in Mississippi, and wanted to stay here might do so, and might receive land here in Mississippi from the Government.

Q Do you understand that 14th article? A Yes.

For fear that you might not clearly understand it, I will quote it to you. It is as follows:

"Each the head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such land as may be under ten years of age, to adjoin the location of the parents. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, if that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A I don't know.

Q Were any of them living here in the old Choctaw Nation at the time the treaty was made, seventy-one years ago? A I don't know; I reckon so.

Q Do you know the names of any of those who were living here at that time? A No.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I reckon so.

Q Do you know whether any of them were or not? A I don't know; that's a long time.

Q Did any of them own an improvement here at that time? A I don't know.

Millan Sam, 4.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government? A Never did hear.

Q Did you ever hear of any of them ever having gotten any money? A I heard that.

Q Who did you hear got money from the Government? A Fat Billy Baker my mother's father.

Q Where did he get that money, and when? A About ten years ago.

Q Do you know how much money he got? A I don't know; I just heard that he got money.

Q How did you hear that? A I just heard it.

Q Who told you? A I just heard that they got some money.

Q I would like to know who told you if you can remember who told you? A My mother told me.

Is Fat Billy the only one of your ancestors whom you ever heard got money from the Government? A I reckon he and his folks got it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and become citizens, and on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder

Millan Sam, 5.

of these Choctaws might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commissions to come down here and finish up this work. This second commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, Louisiana, Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this Act of Congress? A I don't know; never heard of it.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No, never did see or hear of such a thing.

Q Are there any further statements you desire to make at this time? A No.

Q Have you any full brothers living? A No, one brother died.

Q He died when he was a child? A Yes, he died a few years ago.

Q Well, did he leave a family? A Yes.

Q What was his name? A Grandison Wilson.

Q Was he a full brother of yours; same father and same mother? A No, same mother, but different father.

William Sam, 6.

- Q Was Grandison Wilson a full blood Choctaw? A Yes.  
Q His father was a full blood too? A Yes.  
Q When did he die? A 3 or 4 years ago.  
Q His wife living? A Yes.  
Q What's her name? A Nannie.  
Q And Grandison leave any children? A One.  
Q What is that child's name? A Neely.  
Q Tell, Nannie married again, is she now? A Yes.  
Q What is her husband's name? A Tom Martin.  
Q Live over in Washita County? A Yes.  
Q Did you ever have a full brother, same father and same mother? A No.  
Q Did you ever have a full sister? A No.  
Q Have you any half brothers or half sisters living now? A Yes.  
Q How many? A Two.  
Q Half brother and half sister, is that right? A Two half sisters living.  
Q What are your half sisters' names? A Laura.  
Q Is Laura married? A Yes.  
Q What is her husband's name? A Madison.  
Q Madison Bent? A Yes.  
Q She is a half sister of yours? A Yes.  
Q And Nannie is she married? A Yes, she is the wife of Ben Prius, but they are now separated.  
Q Now, your half brother is Fortain? A Yes.  
Q Is that all of them now? A Yes.  
Q Have you any half brothers or half sisters dead, except your half brother, Grandison Wilson? A No.  
Q Are any of your mother's brothers or sisters living? A Yes.  
Q How many? A One brother.  
Q What is his name? A Oscar.  
Q Oscar Baker? A Yes.  
Q Where does he live in Indian Territory? A I don't know.  
Q Is he married? A I don't know.  
Q About how old a man is he? A About twenty five years.  
Q That all of your mother's brothers living? A Yes.  
Q She has no sisters living? A All died out in the Territory.  
Q Did any of these leave children? A I don't know.

(This applicant has the appearance of being possessed of as much Indian blood as is claimed by him. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English — and partially through a sworn Choctaw interpreter. His manners and habits are those of a Choctaw, and he associates entirely with the full blood Indian.)

Ex. 11. Tr. 11, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of December, 1901, and that the

Millan Sam, 7.

above and foregoing is a full, true and correct translation of his  
stenographic notes of said proceedings in said cause upon said date.

*R. S. Street*

Subscribed and sworn to before me at Carthage, Mississippi,  
this 24th day of December, 1901.

*L. B. Mosley*

Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

*J. M. M.*

Deputy.



COPY!

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Millan Sam, for identification as a Mississippi Choctaw, M.C.R. 4411.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as a Mississippi Choctaws was made to this Commission by Millan Sam for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descend-



ant of Billy Baker and Lucy Baker, both of whom are alleged to have been full blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Billy Baker, or Lucy Baker signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Willan Sam, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

-3-

eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

L. M. D. D.

Chairman.

T. B. Needles.

Commissioner.

J. H. Crook.

Commissioner.

J. H. Crook.

Commissioner.

Muskogee, Indian Territory,

May 1, 1830.

M.C.R. 4411

Muskogee, Indian Territory, April 28, 1904.

Millan Sam,

Free trade, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

M.C.R. 4411

BY.

Muskogee, Indian Territory, April 28, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 30, 1904, refusing the application of Millan Sam for identification as a Mississippi Choctaw.

You are hereby advised that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Enc. MCR 4411.

Chairman.

Muskogee, Indian Territory, May 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the matter of the application of Millan Jay for identification as a Mississippi Choctaw, including the decision of the Commission of March 30, 1904.

The Commission has the honor to report that the applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Chairman.

2 Enc. MCR 4411.

Through the Commissioner of Indian Affairs.

(COPY)

W.C.F.

DEPARTMENT OF THE INTERIOR,

FHR

Washington,

I.T.D. 4778-1904.

June 14, 1904.

IRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 14, 1904, you transmitted the record in the matter of the application of Millan Sam for identification as a Mississippi Choctaw, including your decision of March 30, 1904, refusing to identify him as such.

The applicant is a half blood Choctaw Indian and claims rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being a descendant of Billy Baker and Lucy Baker, his maternal grandparents, it being alleged that said ancestors were full blood Mississippi Choctaws.

Reporting in the matter June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock.

Secretary.

1 inclosure.

(copy)

LAND.

33622- 1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington,

June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the application of Millan Cox, for the identification of himself as a Mississippi Choctaw, wherein a decision was signed and entered by the Commission on March 10, 1904.

The record in this case shows that the applicant Thomas his claim to a right to identification as a descendant from Billy Baker in 1830, he was alleged to have been Choctaw Indians, but as a member they were recognized members of the Choctaw Nation in 1830 or were means of a family, a son-in-law attempted to comply with the provisions of the Treaty with the Choctaw Treaty of that year, the applicant is alleged to have, this since been placed in his Choctaw blood with them or members named.

The Commission rejected the applicant for the reason that its records failed to show that Billy Baker or Lucy Baker complied or

attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830 or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with reference to the names of Billy Baker and Lucy Baker, and it is ascertained that these names do not appear among the names of those Choctaw Indians who received land under the provisions of the Fourteenth Article of the Choctaw Treaty or scrip under the subsequent legislation relative thereto.

I therefore recommend that the decision of the Commission rejecting this applicant be approved.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

E. P. J.-L. C.



M.C.R. 4411

COPY.

Muskogee, Indian Territory, June 23, 1904.

Millan Sam,

Freestrade, Mississippi,

Dear Sir:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, June 23, 1904.

Manefield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Millan Sam for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 28th day of April, 1904.

Respectfully,

SIGNED

*I. B. Needles.*

Commissioner in Charge.

#1571

No

1111

For Identification as a Mississippi Choctaw.

(Gerhard, Miss.)

Name Indian Name

No 24

Post Office, Indian Name

Father's name, Agency, State 20

Mother's name, State 20

Child's name, mother

(C)

Children

Stenographer

R. S. Street

Choctaw MCR 4412

Lula Jamison

MCR 4412

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

Herein is the record in the matter of the application of  
Lula Jamison, et al., for identification as Mississippi Choctaws,  
M.C.N. 4412.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Lula Jamison, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4412.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application of Lula Jamison, et al.,  
for identification as Mississippi Choctaws, L.O.D. 4412.

List of papers  
forwarded to the Secretary of the Interior, with the record in  
the above case, together with the page occupied  
by each in said record.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 18th, 1901.

In the matter of the application of Lula Jamison for the identification of herself and four minor children, Finis, Mike, Reuben and Nancy, as Mississippi Choctaws.

Said Lula Jamison, being first duly sworn, testified as follows:- (Oscar Pilley, official interpreter).

Examination by the Commission.

- Q What is your name? A Lula Jamison.  
Q How old are you? A Thirty one.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Carthage.  
Q How long have you lived in Leake County? A Born and raised in Leake County.  
Q Lived here all your life, have you? A Yes.  
Q Is your father living? A No.  
Q What was his name? A Dixon.  
Q Did he have any other name? A That is all I know.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q How long has he been dead? A About five years.  
Q About how old was he when he died? A I don't know.  
Q About how old was he? A About sixty.  
Q Do you know the name of his father? A I don't know.  
Q Or his mother? A Eliza.  
Q How long has Eliza been dead? A About fourteen years.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Did she speak or understand the Choctaw language? A Yes.  
Q Your father did too, did he? A Yes.  
Q Do you know Eliza's father's name? A No.  
Q Eliza's mother's name? A No.  
Q Is your mother living? A No.  
Q What was her name? A Annie.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Was she older than your father or younger? A I don't know.  
Q Do you know the name of Annie's mother or father? A No.  
Q So far as you know, have all of your ancestors always been full blood Choctaw Indians? A Yes.  
Q And have all of them always lived in Mississippi? A Yes, I reckon so.  
Q Are you married? A No, my husband dead and I aint married now.  
Q How many times have you been married? A Once. I aint married to this man but I got children by this man.  
Q What was your husband's name? A Hickman Jamison.  
Q Was he a full blood Choctaw? A Yes.  
Q How long has he been dead? A About seven years.  
Q Did he always live in the State of Mississippi? A No, he went to the Territory and died out there.  
Q When did he go out to the Territory? A He stayed out there about three years when he died.  
Q Do you know whether he was admitted to citizenship out there?  
A I don't know.



Q Is Hickman's father living? A No.  
Q What was his name? A Janison.  
Q Did he have any other name that you know of? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Is Hickman's mother living? A Yes.  
Q What is her name? A Sallie Dixon, the wife of Columbus Dixon.  
Q Is Sallie a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Is her father living? A Yes, Solomon York.  
Q Is he a full blood Choctaw? A Yes.  
Q Is Sallie's mother living? A No.  
Q What was her name? A I don't know.  
Q How many children have you living? A Four.  
Q What are their names and ages? A Finis.  
Q How old is Finis? A Thirteen.  
Q Next one? A Mike.  
Q How old is he? A Eleven years old.  
Q Next one? A Reuben.  
Q How old is he? A Ten.  
Q Next one? A Nancy.  
Q How old is she? A Will be two years old in March.  
Q Are all of these children living with you at this time? A Yes.  
Q What is the name of the father of Finis? A Hickman.  
Q Of Mike? A Hickman.  
Q Reuben? A Hickman.  
Q They are all full bloods, then, these three children? A Yes.  
Q What is the name of the father of Nancy? A Joe Neal.  
Q Has he any Choctaw blood? A No, full blood white man.  
Q You are not married to him? A No.  
Q And never have been, have you? A No.  
Q Is that all your children that are living, just these four?  
A Yes.  
Q This application, then, as for yourself and four minor children, is that right? A Yes.  
Q Is ~~the~~ your name or the name of any one of these children to be found upon any of the Choctaw Tribal ~~rolls~~ rolls in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No.  
Q Did you in the year 1896 make application to the Commission for citizenship in the Choctaw Nation for yourself or any of these children? A I don't know whether I did, or not.  
Q If you made such an application you would remember it, wouldn't you? A No, not at that time, I made application since then.  
Q Have you ever made any application of any kind to the Commission before today? A Yes, at Carthage.

The records of the Commission show that on the 25th day of January, 1899, application was made to this Commission at Carthage, Mississippi, for the identification of this applicant and her minor children, Finis, Mike, Reuben and Ori, as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 94, also on page 47 of

the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 335, 336, 337, 338 and 339 respectively thereon.

Q Is this application made by you three years ago to the Commission the only application of any kind you have ever made before today?

A Yes.

Q You had a child by the name of Ori at the time you made application three years ago, did you not? A Yes.

Q When did that child die? A March, 1900.

Q You were present when it died, were you? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes, I reckon so.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions Choctaws who preferred to stay here in Mississippi might do so and receive land from the Government.

Q Do you understand that 14th article? A No.

It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent/ If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Per-

sions claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of your husband's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made?

A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of the treaty or under the supplement to that treaty?

A I don't know that.

Q Did you ever hear of any of your ancestors or any of your husband's ancestors ever having received any land here in Mississippi from the Government or ever having received any money from the Government? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your husband's ancestors covering land here in Mississippi received from the Government? A Never saw or heard of such a thing.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to report the names of such Choctaws as might desire to remain here and become citizens and take land under article 14 of the treaty. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and on this account the Government at its public land sales in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had

been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved February 22nd, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another act of Congress was passed and approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these cases.

Q Did any of your ancestors or any of your husband's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land else where in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever receive any of this scrip under this act of Congress? A Never see or heard of it.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anybody.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, or at Meridian, Mississippi, between January 15th and February 15th, next, or at the general office of the Commission at Muskogee, Indian Territory, within a reasonable time, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q So far as you know, did any of your husband's ancestors or any of your ancestors ever receive any benefits as Choctaw Indians? A If

Lula Jamison et al---6

- they did, I don't know.
- Q Were any of them ever recognized members of the Choctaw Tribe?
- A I don't know.
- Q Have you any brothers living? A Yes.
- Q How many? A Two.
- Q What are their names? A John and Philip.
- Q Full brothers of yours? A Yes.
- Q Have you any full brothers dead? A No.
- Q Have you any half brothers living? A Columbus Dixon.
- Q Is that all? A Wilson Dixon.
- Q Have you any half brothers dead? A No.
- Q Have you any full sisters living? A No.
- Q Have you any full sisters dead? A No.
- Q Have you any half sisters living? A No.
- Q Have you any half sisters dead? A No.
- Q Are any of your father's brothers or sisters living? A No.
- Q Are any of the children of any of your father's brothers or sisters living? A No.
- Q Are any of your mother's brothers or sisters living? A I don't know.
- Q Are any of the children of any of your mother's brothers or sisters living? A I don't know, I don't know none of my mother's folks.
- Q Are any of Hickman's brothers or sisters living? A Yes, one living.
- Q What is his name? A Arden Jamison.
- Q Has he a half brother living? A Yes.
- Q What is his name? A Huddleston Sam.
- Q Has he a half brother or full brother dead? A Yes.
- Q How many? A One dead.
- Q Was he a full brother or a half brother? A Full brother.
- Q What was his name? A Willis Jamison.
- Q Did he leave any children? A One child.
- Q What is that child's name? A Lulu.
- Q What is the name of the mother of that child? A Sealy, the wife of Davis Jacoway.
- Q None of Hickman's half brothers are dead, then? A No.
- Q Has he any full sisters living? A No, but some are dead.
- Q Did any of those full sisters of Hickman's who are dead leave children? A Yes, one living, in Indian Territory.
- Q What is her name? A Faly Benton.
- Q Is she a full blood? A Yes.
- Q Did any of those full sisters of his who are dead leave children?
- A No.
- Q Has he any half sisters living? A Yes, Feely Dixon, the wife of John Dixon.
- Q Has he any other half sisters living? A No.
- Q Has he any half sisters dead? A One dead.
- Q Did she leave children? A No.
- Q Are any of Jamison's brothers or sisters living? A No.
- Q Are any of their children living? A No.
- Q Are any of Callie's brothers or sisters living? A Scott York.
- Q Is that all the brothers she had, living? A Yes.
- Q Has she any sisters living? A Two, Eliza Jim, the wife of Simpson Jim, and Nancy Ison, the wife of Julius Ison.
- Q Has she any brothers dead? A No.
- Q Has she any sisters dead? A One dead.

Lula Jarison et al---7

Q What was her name? A Sillin.

Q Did she leave any children? A No.

This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

-----

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 18th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 20th day of December, 1901 at Carthage, Mississippi.

*L. B. Moody*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Lula Jamison, et al.,  
for identification as Mississippi Choctaws, M.C.R.4412.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1901, by Lula Jamison for herself and her four minor children, Finis, Mike, Reuben and Nancy Jamison, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants, except Nancy Jamison, are full-blood Mississippi Choctaw Indians; that Nancy Jamison is a mixed-blood Choctaw, and whatever rights as a Mississippi Choctaw she may possess by reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902.

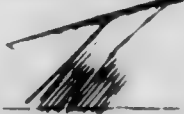


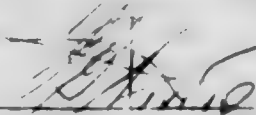
(32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 20, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June, twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Lula Jamison, Finis Jamison, Mike Jamison and Reuben Jamison should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Assistant Secretary.

\_\_\_\_\_  
Commissioner.

M  
MAY 12 1904



COPY

M.C.A.4412

McGregor, Indian Territory, March 16, 1904.

John Harrison,

McGregor, Indian Territory.

I enclose herewith a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, relating to you and your wife and children, Finis, Mike and Arthur Harrison, all children of Cheate Indians, under the provisions of section 11 of the act of Congress approved July 1, 1902, (32 Stat., 211).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of the identification, must remove to and make settlement in the Cheate-Chickasaw country, Indian Territory, on or before September 1, 1904, and must have proof of such removal and settlement on file in the office of the Commission at Afton, Cheate Nation, or Muskogee, Chickasaw Nation, Indian Territory.

Respectfully,

C. G. Davidson,  
Commissioner in Charge.

Registered.  
No.: MCF-4412.

Atoka, Indian Territory, March 10, 1904

J. J. Jones,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 10, 1904, rendered its opinion identifying Julia Jackson and her minor children, Minnie, Lila and John Jackson, as descendants of Choctaw Indians, under the provisions of section 41 of the Act of Congress approved July 1, 1901, (U. S. Stat., 641).

Under the provisions of the law cited, the persons so identified, in order to qualify for the benefits of such identification, must move to and make settlement in the Choctaw and Chickasaw country, Indian Territory, on or before September 15, 1904, and must make proof of such removal and settlement on or before March 10, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Chickasaw Nation, in Indian Territory.

Commissioner in Charge.

Respectfully,

11

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1957

Advertisement in Shuro.

Muskogee, Indian Territory, March 16, 1904.

W. J. Janison,

Callopay, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you and your minor children, Finis, Mike and Helen Janison, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 1, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Milledgeville, Georgia, or at the Choctaw Nation, or Chickasaw Nation, Indian Territory.

Respectfully,

Respectfully,  
No. H.3-4412.

Commissioner in Charge.

Muskogee, Indian Territory, March 16, 1904

J. . Jones,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision in the case of Lula Jamison and her minor children, Finis, Mife and Leuben Jamison, all citizens of Choctaw Indians, under the provisions of section 11 of the act of Congress approved July 1, 1902, (31 Stat., 641).

Under the provisions of the law above cited, the persons so listed, in order to avail themselves of the benefits of such citizenship, must remove to and settle in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 1, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory. Respectfully,

Respected,

Commissioner in Charge.

Copy:

M.C.A. 4412

Muskogee, Indian Territory, March 16, 1904.

Manfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 11, 1904, identifying Lula Jackson and her minor children, Minis, Ike and Leuben Jackson, as being of Choctaw lineage, and the provisions of Section 406 of the act of Congress approved July 3, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed thirty days from the date of this notice to file with the Commission a petition or other proceeding to make void the action of the Commission in identifying said Lula Jackson and her children as being of Choctaw lineage, and in the meantime, proof of service of notice on the said Minis, Ike and Leuben Jackson. If you fail to file such petition or other proceeding within the period of the applicants herein provided upon the grounds of the identified Mississippi Choctaws now being prepared for this Commission.

Respectfully,

*[Signature]*

Commissioner in Charge.

Respectfully,  
Enc.: MCR-4412

See MCR 200 for receiving receipt for this letter.

M C R 4412

Muskogee, Indian Territory, December 28, 1903.

J. W. Jones,  
Attorney at Law,  
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask the status of the Mississippi Choctaw application of Lula Jamison, et al.

In reply you are informed that it appears from our records that Lula Jamison made application to this Commission for the identification of herself and minor children as Mississippi Choctaws, but up to the present time no decision has been rendered relative to the rights of these applicants to such identification. Upon the rendition of a decision they will be duly notified thereof.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 6, 1904.

Mrs. Loula Jamison,

Calloway, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 31, 1903, in which you ask if your name is on the "roll."

In reply you are informed that it appears from our records that on December 13, 1901, at Carthage, Mississippi, Lula Jamison, thirty-one years of age, post office address Carthage, Mississippi, made application to this Commission for the identification of herself and four minor children, Finis, Mike, Reuben and Nancy Jamison, as Mississippi Choctaws.

If you are the Lula Jamison above mentioned, you are advised that no decision has yet been rendered relative to your rights to such identification, but when a decision is rendered you will be notified thereof.

Respectfully,

Chairman.



M C R 4412

Muskogee, Indian Territory, March 3, 1904.

Lula Jamison,  
Calloway, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, in reply to our communication of February 3, 1904, and from the information contained in your letter the Commission has identified you upon its records as an applicant for the identification of yourself and four minor children as Mississippi Choctaws.

No decision has yet been rendered relative to your rights to such identification. When a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 29, 1904.

Tula Janison,

Calloway, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision<sup>n</sup> refusing the application for identification as a Mississippi Choctaw of Nancy Janison,

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, July 29, 1904.

J. W. Jones,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the application for identification as a Mississippi Choctaw of Nancy Jamison, included in the case of Lela Jamison et al.

You are further notified that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, July 29, 1904.

Wansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, refusing the application for identification as a Mississippi Choctaw of Nancy Jamison.

You are further advised that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Muskogee, Indian Territory, August 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lula Janison et al., applicants to the Commission for identification of the Creek and Chickasaw Nations, including the decision of the Commission of July 29, 1904.

The Commission has the honor to report that the principal applicant herein, her attorney of record, and the attorneys for the Creek and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

JOHN L. BROWN

J. L. Brown

Commissioner in Charge.

Very truly yours,

Commissioner in Charge.

Enclosure M.C.R. 4412.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS  
WASHINGTON

Land.  
56073-1904.

October 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 15, 1904, transmitting the record of the application for identification as Mississippi Choctaws by Lula Jamison for herself and her four minor children, Finis, Mike, Reuben and Nancy Jamison.

July 29, 1904, the Commission decided adversely to Nancy Jamison, having on March 12, 1904, identified the other applicants as full-blood Choctaws.

The record shows that Lula Jamison and her children, Finis, Mike, and Reuben Jamison are full-blood Choctaws, and that Nancy Jamison is the child of the principal applicant, by a white man. It further appears that Nancy Jamison claims rights in the Choctaw lands under Article 14, of the treaty of Dancing Rabbit Creek by reason of being a descendant of Eliza through her son Dixon, and Annie, all of whom are alleged to have been full-blood Choctaw Indians. It further appears from the records, and from the records of this office, that Nancy Jamison has never been recognized,

2--

enrolled or admitted to citizenship by the Choctaw Nation or by the United States.

It is found upon the records of this office that the names Eliza and Dixon are found in a number of papers relating to claims arising under Article 14 of the Treaty of Dancing Rabbit Creek but it does not appear that the ancestors through whom this applicant claims are in any way identical with any persons appearing upon the records of this office.

It does not appear from the records, or the records of this office, relating to persons who complied, or attempted to comply with the provisions of Article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Eliza or Dixon, through whom the applicant claims, or Annie, signified in person or by proxy to any one an intention to comply, or did comply with the provisions of Article 14 of the treaty of Dancing Rabbit Creek, or subsequent legislation thereunder.

In view of the record the approval of the Commission's decision adverse to Nancy Jamison is recommended.

Very Respectfully,

V. H. M.  
W.

A. C. Tonner,  
Acting Commissioner.

DEPARTMENT OF THE INTERIOR

RAF

D.C. 42152-1904. WASHINGTON October 31, 1904.  
I.T.D. 10986-1904.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

August 15, 1904, you transmitted the records in the matter of the application for identification of Lula Jamison, Finis Jamison, Mike Jamison, Feather Jamison and Nancy Jamison as Mississippi Choctaw Indians, together with your decision of July 29, 1904, refusing the application as to Nancy Jamison.

It is stated in said decision that on March 12, 1904, the Commission identified all of the applicants, except Nancy Jamison, as Mississippi Choctaws under section 41 of the Act of July 1, 1902 (32 Stat., 441), they being full blood Mississippi Choctaw Indians.

Reporting October 27, the Acting Commission of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed, herewith.

Concurring in said recommendation, your decision is hereby approved.

Respectfully,

1 inclosure.

E. A. Hitchcock,  
Secretary.



Copy.

Muskogee, Indian Territory, November 10, 1904.

Lula Jamison,

Calloway, Indian Territory,

Dear Madam:

You are hereby notified that on the 31st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as a Mississippi Choctaw of Nancy Jamison, included in the case of Lula Jamison et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

SIGNED

James B. Biny

Chairman.

M.O.H. 4-12

COPY.

Muskogee, Indian Territory, November 10, 1904.

J.W. Jones,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that on the 31st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as a Mississippi Choctaw of Nancy Jamison, included in the case of Lula Jamison et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

SIGNED

*James B. Birney*  
Commissioner.

M.C.R. 4412

COPY.

Muskogee, Indian Territory, November 10, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 31st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as a Mississippi Choctaw of Nancy Jamison, included in the case of Lula Jamison et al., a copy of which decision was mailed you on the 29th day of July, 1904.

Respectfully,

SIGNED)

*Iamc Bixby*  
Chairman.

DEPARTMENT OF THE INTERIOR  
BUREAU OF THE GEOLOGICAL SURVEY  
**FILED**  
[JUN 20 1901]

*[Handwritten signature]*

See Miss. Choc. Card. Grid No 74

BIRTH AFFIDAVIT.

IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification  
I, *RE* Application for *Registration*, as a citizen of the *Nation*.  
of *Nancy Jamison*, born on the *11th* day of *March*, 1900.  
Name of Father: *Gov. Mac*, a citizen of the *United States*.  
Name of Mother: *Lula Jamison*, a *Full Blood Choctaw*.  
Post-office: *Carthage, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*State of Mississippi* District.  
*County of Leflore*

*A. Lula Jamison*, on oath state that I am *31*  
years of age and a citizen of *Full Blood*, of the *Choctaw Indian*.  
that I am the lawful wife of *Gov. Mac*, who is a citizen, by  
the *State of Mississippi*, that a *Female* child was  
born to me on the *11th* day of *March*, 1900; that said child has been  
named *Nancy Jamison*, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Subscribed and sworn to before me this *18th* day of *December*, 1900.

*L. B. Mosley, Clerk*  
*U. S. Circuit Court, District of Mississippi*  
*By J. B. Mosley, C.C.*

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA.

*State of Mississippi* District.  
*County of Leflore*

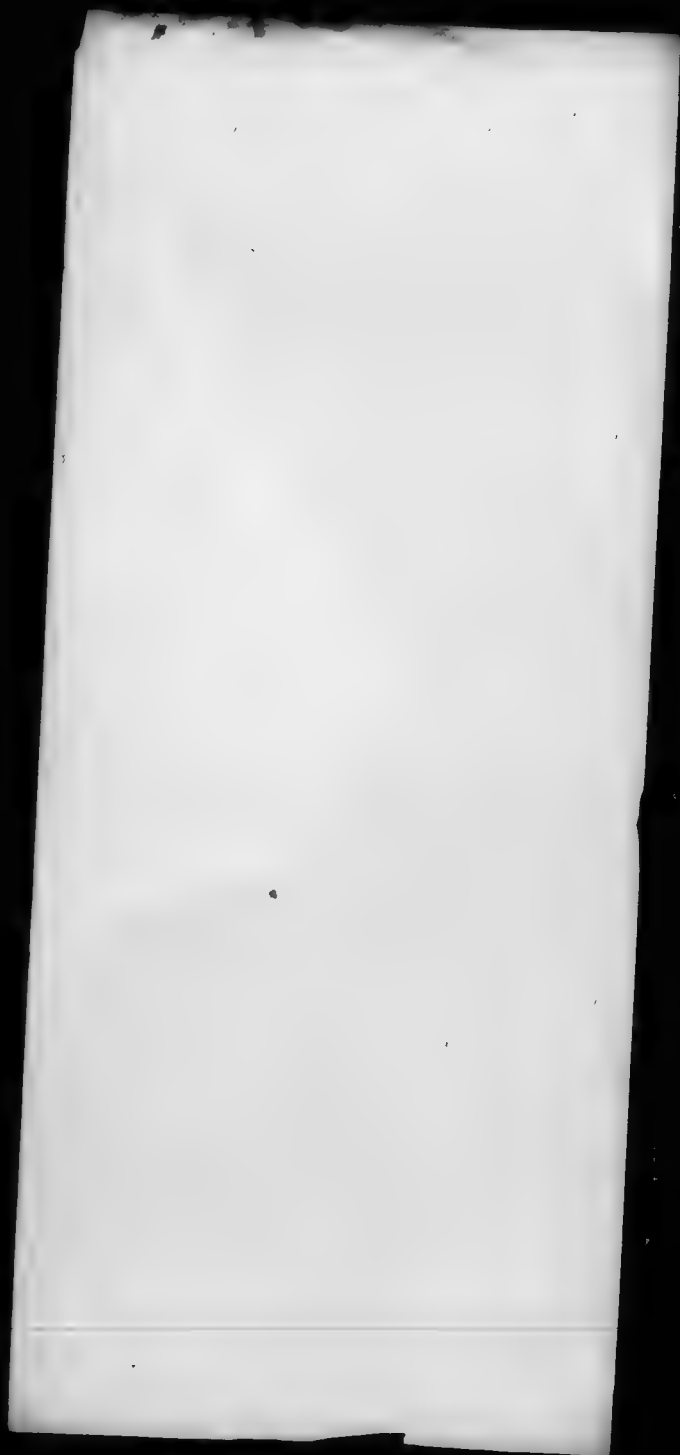
*J. B. Mosley*, on oath state that I  
attended on *Lula Jamison*, who is a *Female*,  
on the *11th* day of *March*, 1900; that there was born to her on  
said date a *Female* child; that said child is now living and is said to have been  
named *Nancy Jamison*.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Subscribed and sworn to before me this *18th* day of *December*, 1900.

*L. B. Mosley, Clerk*  
*U. S. Circuit Court, District of Mississippi*  
*By J. B. Mosley, C.C.*



Callaway, Miss.

Mother  
 Father  
 Sister

Murray                      1895                      1  
 Feltner & Co                      1895                      1

Step 4

W. A. Miller  
(over)

Choctaw. MCR 4413

William H. Bush

See MCR 1056

MCR 4413



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 23, 1901.

#4413.

-----cOo-----

In the matter of the application of William H. Bush  
for identification as a Mississippi Choctaw.

Applicant represented by B. Heard, attorney.

William H. Bush, being first duly sworn, on his oath  
testified as follows:

Examination by the Commission:

- Q What is your name? A William H. Bush.  
Q What is your age? A Thirty.  
Q How much Choctaw blood do you claim to be possessed of?  
A Well sir, I couldn't say; one-sixteenth or something of that  
sort.  
Q What is your post office address? A Rossville, Kansas.  
Q How long have you lived there? A About thirty years.  
Q Were you born there? A Yes sir.  
Q Never lived anywhere else except the state of Kansas?  
A Not to make it my home no place else.  
Q Rossville has always been your home? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A John Bush.  
Q How old is your father? A He's about fifty-two or three years  
old.  
Q Is your mother living? A Yes sir.  
Q How old is your mother? A Forty-eight.  
Q What is her name? A Delila J. Bush.  
Q Through which one of your parents do you claim your Choctaw  
blood? A My mother's side.  
Q Has your mother ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians in Indian Territory,  
by the Choctaw tribal authorities or the authorities of the Uni-  
ted States? A No sir, not until she came before this Commis-  
sion.  
Q Are you married? A No sir.  
Q Do you make application for yourself alone? A That's all I  
guess.  
Q Is your name to be found on any of the tribal rolls of the Choctaw  
Nation in Indian Territory? A No sir.  
Q Did you or anyone for you ever make application to the Choctaw  
tribal authorities in Indian Territory, to be enrolled as a mem-  
ber of that tribe? A No sir.  
Q Did you or anyone for you in the year of 1896, make application  
to the Commission to the Five Civilized Tribes to be admitted to  
citizenship in the Choctaw Nation under the Act of Congress of  
June 10, 1896? A Not that I knew of.

William H. Rush--2.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights to the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians in Mississippi, on the 27th of September, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from what then constituted the old Choctaw Nation to the new country west of the Mississippi river. At the time the treaty was made, some of the Choctaws did not want to go to this new country, but wanted to remain in the old Nation. For the benefit of this class of Indians article fourteen was made a part of the treaty and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation and take lands under the provisions of that article, that he should, within six months from the date of the ratification of the treaty, the treaty being ratified on the 24th day of February, 1831, go before the government Agent in Mississippi and tell him that he desired to remain in the state and desired to become

William H. Bush--3.

a citizen of the states and wanted to accept lands under the provisions of that article. After having done this he was then entitled to a reservation, as head of the family, of one section of land or six hundred and forty acres, and for each child in the family over ten years of age one half that quantity or three hundred and twenty acres of land, and for each child under ten years of age a quarter section or one hundred and sixty acres of land. The reservation of the children to adjoin the reservation of the parent, and to include any improvements which were owned by the parent or head of the family at the time that treaty was made, September 27, 1830.

This article also required that after a Choctaw had accepted these lands that he should reside upon the same for a term of five years, after which time the government would give him a title in fee simple, that is, that would enable him to dispose of the lands at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the state of Mississippi and fully complied with all the provisions of this article fourteen by remaining in the state and accepting lands and residing upon the same for a term of five years, did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did lose his right to any claims he might have to the annuities. Annuities was money paid to the Choctaw Indians annually by the United States government under treaty provisions.

- Q You think you understand that article? A I believe so.
- Q What is the name of your Choctaw ancestor who resided in Mississippi in 1830 at the time this treaty was concluded?
- A Picayune--Peter Picayune.
- Q Was this Choctaw ancestor of yours a recognized member of the Choctaw tribe of Indians at the time this treaty was concluded, September 27, 1830? A I think so.
- Q Have you any proof of the fact that he was? A No, I haven't.
- Q How do you know he was a recognized member of the Choctaw tribe of Indians in 1830? A Well---hunted up the record of the family.
- Q Then you know it from family history only? A That's all.
- Q What relation is Peter Picayune to you? A My great-great-grandfather.
- Q You claim your Choctaw blood through your mother Delila J. Bush?
- A Yes sir.
- Q Who does she get her Choctaw blood from? A From Delila Fix; her mother's name was Fix.
- Q Does she get her Choctaw blood from her mother? A Yes sir.
- Q Is Delila Fix living? A No sir.
- Q When and where did she die? A She died at a small place called Big Springs, Kansas, in '88 or '89, near as I can remember.
- Q Do you know what year she was married in? A No, I don't.
- Q How old was she when she died? A Seventy something; seventy-four probably, near as I can remember.
- Q Was Delila Fix married and the head of a family in 1830?
- A Yes.

William H. Rush--4.

- Q She was? A Yes.
- Q Do you know what year she married? A No, I don't.
- Q It is family history, however, that Delila Fix was married and the head of a family in 1830? A I think it is.
- Q Well do you know whether it is or not? A No, I don't think I do.
- Q Did Delila Fix ever live in Mississippi? A Delila Fix? No sir.
- Q Where did she live? A As near as I know she lived in Indiana at one time and in Virginia.
- Q She never lived in Mississippi? A No sir.
- Q Where was she born? A I don't know that.
- Q But you are confident she never lived in the state of Mississippi? A Yes sir.
- Q Who did Delila Fix get her Choctaw blood from? A From Simon.
- Q Simon who? A Peter Simon.
- Q What relation is Peter Simon to you? A My great-grandfather.
- Q Now who did Peter Simon get his Choctaw blood from? A I guess I got that part of it wrong.
- Q Well you can correct yourself. Now, who did Delila Fix get her Choctaw blood from? A It was on her mother's side.
- Q On her mother's side? A Yes sir.
- Q Do you know what her mother's name was? A Her mother's name was Simon.
- Q Simon? A Yes sir.
- Q Well was that her married name or maiden name? A Married name.
- Q Her married name? A Yes sir.
- Q Well, who did this Simon, Delila Fix' mother, get her Choctaw blood from? A Peter Picayune.
- Q Now I want you to give me the full name of Delila Fix' mother who she claims her Choctaw blood from? A Delila Picayune married a Simon; Delila Simon married Fix.
- Q Now was Delila Simon who married Picayune married and head of a family in 1830? A I don't know.
- Q Where did Delila Simon live in 1830? A I don't know that.
- Q Did she ever live in Mississippi? A I don't know.
- Q Do you know whether she was married and head of a family and resided in Mississippi at the time this treaty was concluded, September 27, 1830? A I don't know.
- Q Do you know whether she was recognized as a member of the Choctaw tribe of Indians at that time or not? A No sir, I don't know.
- Q Do you know whether Delila Fix was a recognized member of the Choctaw tribe of Indians on the 27th of September, 1830?
- A No, I don't.
- Q Did any of your Choctaw ancestors own improvements in what constituted the old Choctaw Nation in Mississippi and Alabama at the time that treaty was concluded? A I couldn't say.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama between the years of 1833 and 1838 to the new Choctaw Nation in Indian Territory, when the emigration of the Choctaws took place; when they moved to this new Territory? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the time this treaty was ratified, that is, within six months from the 24th day of February, 1831, go to the Agent and tell him

William E. Bush--5.

they wanted to stay in the state and take lands under this fourteenth article? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive lands as beneficiaries under this fourteenth article? A No sir.

In accordance with the provisions of this fourteenth article, the government directed the Agent in Mississippi to register the names of all those Choctaws who desired to remain in the old Choctaw Nation in Mississippi and Alabama and become citizens of the states, and who desired to accept lands as beneficiaries under its provisions. The records of the government show that this Agent failed in many cases to register the names of Choctaws who really did go before him and signify their intention of remaining in the state and taking lands. On this account lands on which Choctaws owned improvements and which they desired to reserve for them, was sold by the government at its public land sale. This caused a great many complaints among the Choctaws and these complaints finally reached Congress. Congress, under various acts, appointed Commissions to go into the state of Mississippi and investigate these claims. Of the claims investigated, some were allowed and some were rejected. If allowed, after approval by the Secretary of War and the President, and if the lands had not been sold by the government, the Indians were put in possession of them. If, however, the lands had been sold and these Choctaws had established their rights to these lands, they were given scrip, and under this scrip they were permitted to locate on vacant government lands in the states of Alabama, Mississippi, Arkansas or Louisiana.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and establish or attempt to establish any claims to lands under this fourteenth article? A Not that I know of.
- Q Did any of your Choctaw ancestors own any lands in the states of Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.
- Q Did they ever receive any scrip from the government for lands they had lost by reason of the lands having been sold by the government at its public land sales? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits in the shape of lands as Choctaw Indians from the United States government? A Not that I know of.
- Q So far as you know was any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A Not since the treaty.
- Q Were they recognized before the treaty was signed? A I don't know.
- Q Or at the time the treaty was signed? A I don't know that either.
- Q Have you any witnesses to-day whom you desire to introduce in support of your application? A No.
- Q Do you know of any persons who are living that you could bring before this Commission who could testify that your ancestors lived in Mississippi in 1830 at the time this treaty was made? A No sir.



William H. Rush--6.

- Q Do you know of any witnesses that you could bring before the Commission to testify that your Choctaw ancestors ever complied with or attempted to comply with the provisions of the fourteenth article of this treaty? A No sir.
- Q Do you know of the existence of any documentary evidence--I mean written evidence--deeds to lands, patents, or papers of any kind that would tend to show that your Choctaw ancestors ever complied with or attempted to comply with the provisions of the fourteenth article of this treaty? A I don't know of any.
- Q Do you know of any written evidence that would tend to show that your Choctaw ancestors received benefits of any kind from the government as Choctaw Indians? A No sir.
- Q Have you any written evidence you want to file with the Commission to-day? A No sir.
- Q You are aware that you are applying for valuable property rights? A Yes sir.
- Q And that your unsupported statement will carry little weight with it, and that it should be your duty to furnish the Commission with all the evidence that you can get ahold of to substantiate this claim you are making? A Yes sir.
- Q Have you any relatives who have been before the Commission and applied for identification as Mississippi Choctaws? A Yes sir.
- Q What are their names? A Jesse Fix, (M.C.R.1024).
- Q What's the other name? A Cyrus H. Fix, (M.C.R.1056).
- Q Any others? A Their mother Delila J. Rush, (M.C.R.4205).
- Q You are a son then of Delila J. Rush? A Yes sir.
- Q Who appeared before this Commission on November 26, 1901? A Yes sir.

Reference is here made to M.C.R.4205.

- Q Do you desire the evidence in these cases to be considered as part of the evidence in your case? A Yes sir.
- Q Is there any further statement you desire to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

The applicant has brown hair and eyes, fair complexion, has features and appearances of a person of white parentage, does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

-----

Albert G. McMillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause on the 23rd day of December, 1901, as stenographer to the Commission to the Five Civilized Tribes, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Subscribed and sworn to before me this 27 day of December, 1901.

*L. A. McMillan*  
Commissioner.

COPY.

M.C.R. 4413

Muskogee, Indian Territory, June 20, 1902.

William H. Bush,  
Rossville, Kansas.

Dear Sir:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus W. Pix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus W. Pix, et al.,	M.C.R. 1056,
Mary J. Wood, et al.,	M.C.R. 4431,
Cyrus L. Pix,	M.C.R. 1065,
Sarah Myrtle Bauman, et al.,	M.C.R. 1096,
Delila Jane Bush, et al.,	M.C.R. 4205,
William H. Bush,	M.C.R. 4413,
Delila J. Weis,	M.C.R. 4414,
John H. Bush,	M.C.R. 4415,
Lucy Mitchell, et al.,	M.C.R. 4204,
Isador Bush,	M.C.R. 4416,
Horn Navarre,	M.C.R. 4417,
Jesse Pix, et al.,	M.C.R. 1024,
William H. Fultz, et al.,	M.C.R. 1093.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

COPY

W H B 2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus W. Fix, Sarah M. Fix, James E. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leddie Raymer Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, Laurence Mitchell, Lula Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fultz, Emma Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie F. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) \_\_\_\_\_

Registered.

Commissioner in Charge.



M C R 4413

Muskogee, Indian Territory, November 15, 1902.

William H. Bush,  
Rossville, Kansas.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

DEC 23 1901

Name *William H. Buck*

Age *30* Race *1/16*

Post Office *Roseville* State *Kans*

Father *John Buck*

Mother *Abigail F. Buck*

Claims the name of *mother*

*Claims for self alone.*

Children

Stenographer *J. H. Miller*

Choctaw MCR 4414

Delila J. Weis

See MCR 1056

MCR 4414

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 23, 1901.

#4414.

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In the matter of the application of Delila J. Weis  
for identification as a Mississippi Choctaw.

Applicant represented by S. Heard, attorney.

Delila J. Weis, being first duly sworn, on her oath  
testified as follows:

Examination by the Commission:

- Q What is your name? A Delila J. Weis.  
Q What is your age? A Twenty-nine.  
Q How much Choctaw blood do you claim? A One-sixteenth we are  
supposed to be.  
Q What is your post office address? A Portland, Oregon.  
Q How long have you lived there? A Five years.  
Q Where did you live prior to that time? A I lived a while in  
San Francisco.  
Q Where were you born? A Kansas.  
Q You have lived in Kansas, California, and Oregon all your life?  
A Yes sir.  
Q Ever live in the state of Mississippi? A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A John Bush.  
Q How old is your father? A Well, I think about fifty-two I  
should judge.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Delila J. Bush.  
Q How old is she? A Well, about fifty.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q Your mother? A Yes sir.  
Q Where was your mother born? A Well, I don't know. In Indiana  
I think that's where they come from to Kansas.  
Q Where does she reside at the present time? A Rossville, Kan-  
sas.  
Q She ever live in the state of Mississippi? A No sir, not  
that I know of.  
Q Was your mother ever recognized in any manner or enrolled as a  
member of the Choctaw tribe of Indians in the Choctaw Nation,  
Indian Territory, by the Choctaw tribal authorities or the  
authorities of the United States? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Joseph C. Weis.

Delila J. Weis--2.

- Q Does he make any claim to Choctaw blood? A No sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children for whom you desire to make application at this time? A No sir.
- Q Then this application is for yourself alone? A Yes sir.
- Q Is your name to be found on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you, or anyone for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir, not that I know of.
- Q Well you would know it if you had made an application yourself? A Yes sir.
- Q Did you ever authorize anyone to make an application for you? A No sir.
- Q Did you, or anyone for you, in the year 1896, make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty between the United States and the Choctaw tribe of Indians concluded on the 27th of September, 1830, in Mississippi? A Do I appear, did you say?
- Q Do you come before the Commission at this time to make a claim under the provisions of the treaty of 1830? Under the fourteenth article of it? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27th of September, 1830. At the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from what then constituted the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to remove to this new country, but preferred to remain in the old Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of

Delila J. Weis--3.

one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi and Alabama, and receive lands from the government under its provisions, he should, within six months from the date the treaty was ratified, (the treaty was ratified by Congress on the 24th day of February, 1831) go to the government Agent in Mississippi and tell him he wanted to stay there and take lands and become a citizen of the states. After having done this he was entitled to a reservation, as head of a family, of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and for each child in his family over ten years of age and unmarried he was entitled to a half section, or three hundred and twenty acres of land; and for each child under ten years of age a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parents, and these reservations to include improvements which were owned by the head of the family at the time the treaty was made, September 27, 1830.

This article also required that a Choctaw who received those lands from the government should reside upon the same for a term of five years, after which time the government would give him a title in fee simple to it, enabling him to dispose of the lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in Mississippi and took lands under the provisions of this article and resided upon the same for a term of five years, did not forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, but did forfeit any right he might have to Choctaw annuities. Annuities was money paid to the Choctaw Indians annually by the United States government under treaty provisions.

Q Do you think you understand the treaty? A Yes sir.

Q Now what is the name of your Choctaw ancestor who lived in Mississippi at the time this treaty was made? A Peter Plesayune.

Delila J. Weis--4.

- Q Peter Picayune? A Yes sir.
- Q What relation was Peter Picayune to you? A My great-great-grandfather.
- Q You claim your Choctaw blood through your mother Delila J. Bushy who did she get her Choctaw blood from? A Through my grandmother Delila Fix.
- Q Did Delila Fix live in Mississippi in 1830 at the time this treaty was made? A No sir.
- Q Where did she live at that time? A I am sure I don't know.
- Q Do you know where she was born? A No sir.
- Q Where did she live during her lifetime? A Well, in Big Springs, Kansas---
- Q Did she ever live in Mississippi? A No sir.
- Q Do you know in what year she married? A No sir.
- Q Now who did Delila Fix get her Choctaw blood from? A From her mother.
- Q What was her name? A Sarah Simon.
- Q Did Sarah Simon live in Mississippi in 1830? A No sir.
- Q Was she married and the head of a family in 1830? A Yes sir, I think she was.
- Q But didn't live in Mississippi? A No sir.
- Q Do you know when and where Sarah Simon was born? A No sir.
- Q Do you know when and where she died? A No sir.
- Q Now who did Sarah Simon get her Choctaw blood from? A From her father Peter Picayune.
- Q Did Peter Picayune live in Mississippi in 1830? A Well, I think he did.
- Q Was he a recognized member of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article? A No sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made, September 27th, 1830? A I don't know.
- Q Did any of your Choctaw ancestors own improvements in what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama with the Choctaw Indians when they emigrated to the new Choctaw Nation in Indian Territory, between the years of 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors within six months from the time this treaty was ratified, that is, within six months from the 24th day of February, 1831, go before the government Agent in Mississippi and tell him they wanted to stay and take lands under the provisions of this fourteenth article? A No sir.
- Q Did any of your Choctaw ancestors ever receive or claim any lands from the United States government under the provisions of this fourteenth article? A No sir.

In accordance with the provisions of this fourteenth article the government directed its Agent in Mississippi to register the names of all these Choctaws who wanted to remain in the old Choctaw Nation and become citizens of the states and take lands under the provisions of this article. The re-



cords of the government show that this Agent failed to register the names of a great many Choctaws who really did go before him and signify their intention of staying in the old Choctaw Nation and taking lands from the government. On this account, in many instances, the land on which Indians owned improvements, and which they desired to reserve for them, was sold by the government at its public land sales. This caused a great many complaints by the Choctaws and finally these complaints reached Congress. Congress, under various acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a number of claims; some they allowed, some they rejected. Of the claims allowed, after approval by the Secretary of War and the President, if the lands were not sold, the Indians were put in possession of them. If, however, the lands had been sold and the Indians established their claim to them under the provisions of this Article, they were given scrip. Under the scrip they were permitted to locate on vacant government lands in the state of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors appear before any of these government Commissions and attempt to establish any claim to lands under this fourteenth article? A No sir.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government for lands which they had lost by having been sold? A No sir.
- Q Did any of your Choctaw ancestors own any lands in the states of Mississippi, Alabama, Arkansas or Louisiana? A No sir.
- Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi in 1830?
- A I don't know. I guess my great-grandfather was.
- Q You have no proof of the fact that he was? A You mean a Mississippi Choctaw?
- Q Yes? A Yes sir, he was a Mississippi Choctaw.
- Q Have you any proof that he was? A Well, I have it personally.
- Q What kind of proof have you that your ancestor was a recognized member of the Choctaw tribe of Indians in 1830? A Well, simply we have traced them back for several years.
- Q Is it family history? A Yes sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A No sir.
- Q Do you know of the existence of any documentary evidence--by documentary evidence I mean papers of any kind such as deeds or patents to lands--that would tend to show that any of your Choctaw ancestors ever complied with, or attempted to comply with, the provisions of this article fourteen? A No sir.
- Q Do you know of any witnesses that you could bring before the Commission to testify personally that your ancestors ever complied with or attempted to comply with the provisions of this article fourteen? A No sir.
- Q Have you any witnesses that you desire to introduce before the Commission to-day? A No sir.
- Q Have you any written evidence that you want to file with the Commission to-day? A No sir.



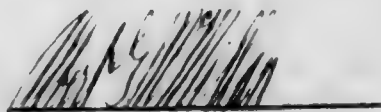
Delila J. Weis--6.

- Q Do you speak or understand the Choctaw language? A No sir.  
Q Have you any relatives who have made application to the Commission for identification as Mississippi Choctaws? A Yes sir, I have.  
Q Give their names? A Jesse Fix (M.C.R. 1024), Cyrus Fix (M.C.R. 1056).  
Q Any one else? A My mother Delila J. Bush (M.C.R. 4205).  
Q Do you desire the evidence in these cases to be considered as part of the evidence in your case? A Yes sir, I do.  
Q You derive your Choctaw blood from the same source they do?  
A Yes sir.

This applicant has dark brown hair and dark brown eyes, fair complexion, features and appearances of a person of white parentage, doesn't speak or understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all the proceedings had in the above entitled cause on the 23rd day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.



Subscribed and sworn to before me this 27<sup>th</sup> day of December, 1901.



Commissioner.

Muskogee, Indian Territory, June 20, 1902.

Delila J. Weis,  
Portland, Oregon.

Dear Madam:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Cyrus H. Fix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus H. Fix, et al.,	W.C.R.1056,
Mary J. Wood, et al.,	W.C.R.4431,
Cyrus H. Fix,	W.C.R.1065,
Sarah Myrtle Bauman, et al.,	W.C.R.1096,
Delila Jane Bush, et al.,	W.C.R.4205,
William H. Bush,	W.C.R.4413,
Delila J. Weis,	W.C.R.4414,
John H. Bush,	W.C.R.4415,
Lucy Mitchell, et al.,	W.C.R.4204,
Isador Bush,	W.C.R.4416,
Nora Navarro,	W.C.R.4417,
Jesse Fix, et al.,	W.C.R.1024,
William H. Pultz, et al.,	W.C.R.1095.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah E. Fix, James E. Fix, Laura Fix, Mary J. Wood, Jr. Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Wirtle Bauman, Charles Benjamin Bauman, Leslie Rayner Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarro, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William F. Fultz, Emma Fultz, Louis A. Fultz, Goldie E. Fultz, Eugene F. Fultz and Katie F. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

J. E. Hodges.

Registered.     ;

Commissioner in Charge.

M C R 4414

Muskogee, Indian Territory, November 15, 1902.

Delila J. Weis,

Portland, Oregon.

Dear Madam:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

Acting Chairman.

No 4114

For Identification as a Mississippi Choctaw.

Date

Name *Artila J. Wris*

Age *29* Sex *1/16*

Place of Office *Portland Oregon*

Father *John Buck* ✓

Mother *Artila J. Buck* ✓

Claims to own Mother

Husband

*Joseph C. Wris* ✓

( *no claim for husband*

Claims for self alone

Children

Stenographer - *F. J. McMillan*

Choctaw MCR 4415

John N. Bush

See MCR 1056

MCR 4415

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 23, 1901.

#4415.

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In the matter of the application of John W. Bush for identification as a Mississippi Choctaw.

Applicant represented by S. Heard, attorney.

John W. Bush, being first duly sworn, on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Bush.  
Q How old are you? A Twenty-eight.  
Q How much Choctaw blood do you claim to be possessed of?  
A One-sixteenth.  
Q What is your post office address? A Rossville, Kansas.  
Q How long have you lived there? A All my life.  
Q Born there? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A John Bush.  
Q How old is your father? A Fifty-two.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Delila J. Bush.  
Q How old is she? A Fifty.  
Q Through which one of your parents do you claim Choctaw blood?  
A Mother.  
Q Where was your mother born? A Indiana.  
Q Where is she living now? A Rossville, Kansas.  
Q Did she ever live in the state of Mississippi? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Katie.  
Q Does she make any claim to Choctaw blood? A No sir.  
Q Do you make any claim for her? A No sir.  
Q Have you any children for whom you desire to make application?  
A No sir.  
Q Then this application is for yourself alone? A Yes sir.  
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you, or anyone for you, ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe? A No sir.

John N. Rush--2.

- Q Did you in the year 1896, make application to the Dawes Commission for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time either to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights to the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi in 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830, between the United States government and the Choctaw tribe of Indians. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from what constituted the old Choctaw Nation in Mississippi and Alabama, to the new country west of the Mississippi river. At the time the treaty was made some of these Choctaws did not want to go to this new country, but preferred to remain in what constituted the old Choctaw Nation, and for the benefit of this class of Indians article fourteen was made a part of the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying their intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the states, he should, within six months after the ratification of this treaty--the treaty being ratified on the 24th day of February, 1831--go before the government Agent and tell him



he desired to remain and become a citizen of the states and accept lands from the government under the provisions of this article. After having done that he was entitled to a reservation, as head of a family, to one section or six hundred and forty acres of land to be bounded by sectional lines of survey, and for each member of the family unmarried and over ten years of age, he was entitled to one half that quantity; and for each unmarried child under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and the reservations to include the improvements which were owned by the head of the family at the time the treaty was made. September 27, 1830.

This Article also required that after a Choctaw had accepted his lands he should reside upon the same for a term of five years, after which time the government would give him a title in fee simple to the lands, thus enabling him to dispose of the lands at his pleasure. The last clause of this Article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the states and fully complied with all the provisions of this article by accepting lands and residing upon the same for a term of five years, did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit any right which he might have to a portion of the Choctaw annuity. Annuities was money being paid to the Choctaw Indians under treaty provisions.

- Q You think you understand that article now? A Yes sir.
- Q Now what was the name of your Choctaw ancestor who resided in Mississippi at the time this treaty was made? A Peter Picayune.
- Q What relation was Peter Picayune to you? A Great-great-grandfather.
- Q You claim your Choctaw blood from your mother Delila J. Rush; who did she get her Choctaw blood from? A Her mother.
- Q What was her name? A Delila J. Fix.
- Q Was Delila Fix married and the head of a family and did she live in Mississippi in 1830? A I don't know.
- Q Where did she live in 1830? Do you know? A No, I don't.
- Q You have testified that your mother never lived in Mississippi; now where did Delila Fix live during her lifetime? A She came from Indiana to Kansas; before that I don't know.
- Q Do you know where she was born? A No sir.
- Q Ever hear her say where she was born? A No sir.
- Q Did you know her? A Yes sir, I knew her, but I was small.
- Q Now who did Delila Fix get her Choctaw blood from? A From her mother.
- Q What was her name? A Simon.
- Q Well, give the full name? A Sarah Simon.
- Q Now was Sarah Simon married and the head of a family and did she live in Mississippi in 1830? A I don't know.

John N. Rush--4.

- Q Do you know which one of your Choctaw ancestors was married and the head of a family and lived in Mississippi in 1830?
- A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made?
- A Well, I couldn't swear that they was.
- Q Did any of your Choctaw ancestors own improvements on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation to the new Choctaw Nation, Indian Territory, at the time the Indians moved, between the years 1833 and 1838? A I think not.
- Q Did any of your Choctaw ancestors within six months from the time this treaty was ratified, that is, within six months from the 24th day of February, 1831, go before the government Agent in Mississippi and tell him they wanted to become citizens of the states and take lands under the provisions of this treaty?
- A I don't know.
- Q Did any of your Choctaw ancestors ever receive any lands from the government under the provisions of this article fourteen?
- A Not that I know of.

In accordance with the provisions of this article, the government directed an Agent in Mississippi to register the names of all those Choctaws who desired to remain there and become citizens of the states and wanted to take lands under its provisions. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did appear before him and signified their intention of taking lands, and on this account, in many instances, the lands on which the Indians owned improvements and which they desired to reserve, was sold by the government at its public land sales. This caused complaints by the Choctaws and these complaints finally reached Congress. Congress, under various Acts, appointed Commissions to go into Mississippi and investigate these claims. These Commissions investigated a number of claims, some of which they allowed and some they rejected. Of the claims allowed, after approval by the Secretary of War and the President, if the lands had not been disposed of by the government at its public land sales, the Indians was given possession of them. If, however, the lands had been sold and the Choctaws established rights to these lands under this fourteenth article, they were given scrip in lieu of the lands they had lost. Under this scrip they were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish their claim to lands under the provisions of the fourteenth article? A Not that I know of.
- Q Did any of your Choctaw ancestors own land in either the state of Mississippi, Louisiana, Alabama or Arkansas? A I think not.
- Q Did any of your Choctaw ancestors receive any scrip from the government through these Commissions for lands which they had

John N. Rush--5.

- lost by having been sold at the public land sales of the government? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? (No answer.)
- Q I mean were they recognized by the Choctaw tribal authorities as Choctaw Indians? A Not that I know of.
- Q Do you know of any witnesses that you could bring before the Commission who could testify that your Choctaw ancestors lived in Mississippi in 1830 at the time this treaty was made, and were heads of families and that they received lands from the government as Choctaw Indians? A No sir.
- Q Do you know of the existence of any documentary evidence--I mean written evidence such as deeds to land or patents to land or papers of any kind--that would tend to show that your Choctaw ancestors ever received any lands from the United States government under the provisions of this fourteenth article? A No sir.
- Q Have you any witnesses that you want to introduce before the Commission to-day? A No sir.
- Q Have you any written evidence you want to file with the Commission to-day? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives who have made appearance before this Commission and asked to be identified as Mississippi Choctaws? A Yes sir.
- Q Give their names? A Jesse Fix (M.C.R.1024), Cyrus Fix (M.C.R. 1056), Delila J. Rush (M.C.R.4205).
- Q What relation are these persons to you? A Delila J. Rush is my mother, and Jesse and Cyrus Fix are my uncles.
- Q Do you desire the evidence in their cases to be considered as part of the evidence in your case? A Yes sir.
- Q You get your Choctaw blood from the same source that they get theirs, do you? A Yes sir.

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This applicant has light brown hair, brown eyes, fair complexion, has the features and appearances of a person of white parentage, does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Subscribed and sworn to before me this \_\_\_\_\_ day of December, 1901.

*C. A. McMillan*  
Commissioner.

Muskogee, Indian Territory, June 20, 1902.

John W. Bush,

• Rossville, Kansas.

Dear Sir:

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus E. Fix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus E. Fix, et al.,	M.C.P. 1056,
Mari J. Wood, et al.,	M.C.P. 4431,
Charles L. Fix,	M.C.P. 1065,
Sarah Myrtle Bauman, et al.,	M.C.P. 1096,
Delila Jane Bush, et al.,	M.C.P. 4208,
William H. Bush,	M.C.P. 4413,
Delila J. Foie,	M.C.P. 4414,
John W. Bush,	M.C.P. 4415,
Lucy Mitchell, et al.,	M.C.P. 4204,
Isador Bush,	M.C.P. 4416,
Nora Cavarre,	M.C.P. 4417,
Jerse Fix, et al.,	M.C.P. 1024,
William W. Dultz, et al.,	M.C.R. 1025.

These applications were made under the provision of the act of Congress of June 18, 1898 (30 Stat. 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that

and may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus E. Fix, Sarah E. Fix, James E. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Raymer Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William E. Bush, Delila J. Weis, John E. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fultz, Emma Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie E. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1850, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

E. D. Woodlee

Registered.

Commissioner in Charge.

M C R 4415

COPY.

Muskogee, Indian Territory, November 15, 1902.

John N. Bush,  
Roesville, Kansas.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

(S. G. G. G.)

Acting Chairman.

No

4115

For Identification as a Mississippi Choctaw.

DEC 23 1901

Name John V. Bush

Age 28 Sex M

Post Office Rossville Kans

Father John Bush ✓

Mother Abigail J. Bush ✓

Claims Document

Mother

wife Kate Bush ✓

No claim for wife

Claims for self alone

Children:

Stenographer

J. G. McMillan

Choctaw . MCR 4416

Isador Bush

See MCR 1056

MCR 4416



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MEMPHIS, I. T., DECEMBER 23, 1901.

#4416.

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In the matter of the application of Isador Bush for  
identification as a Mississippi Choctaw.

Applicant represented by S. Heard, attorney.

Isador Bush, being first duly sworn, on his oath  
testified as follows:

Examination by the Commission:

- Q What is your name? A Isador Bush.  
Q How old are you? A Twenty-four years old.  
Q How much Choctaw blood do you claim to be possessed of?  
A Well, I don't know.  
Q What is your post office address? A Rossville, Kansas.  
Q How long have you lived in Rossville? A Twenty-four years.  
Q You were born there, were you? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A John Bush.  
Q How old is your father? A About fifty-two years old.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Malila J. Bush.  
Q How old is she? A Well, she's somewhere along about fifty I  
guess, as near as I know.  
Q Through which one of your parents do you claim your Choctaw  
blood? A Father.  
Q Where was your mother born? A I don't know.  
Q Did she ever live in the state of Mississippi? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Rachel.  
Q Does she make any claim to Choctaw blood? A No sir.  
Q Do you make any claim for her? A No sir.  
Q Have you any children for whom you desire to make application?  
A No sir.  
Q Then this application is for yourself alone is it? A Yes sir.  
Q Has your mother ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians in the Indian Terri-  
tory, by the Choctaw tribal authorities or the authorities of  
the United States government? A Not that I know of.  
Q Is your name to be found on any of the tribal rolls of the Cho-  
ctaw Nation in Indian territory? A No sir.  
Q Did you, or anyone for you, ever make application to the Choctaw  
tribal authorities in Indian Territory to be enrolled as a mem-  
ber of that tribe? A No sir.

Isador Rush--2.

- Q Did you in the year 1896 make application to the Dawes Commission to be admitted to citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A Did I?
- Q Yes sir? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time either to the Choctaw tribal authorities or the authorities of the United States, to be admitted to citizenship or enrolled as a member of the Choctaw tribe of Indians? A No sir.
- Q Do you appear before the Commission at this time claiming rights to the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded on the 27th of September, 1830, in Mississippi? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi, on the 27th of September, 1830, between the United States government and the Choctaw tribe of Indians who at this time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation to the new country west of the Mississippi river. At the time the treaty was made some of those Choctaws didn't want to go to the new country but wanted to remain in the old Nation, and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty intending to become citizens of the states, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw desired to remain in Mississippi and accept lands from the government under its provisions, he should, within six months from the date the treaty was ratified--the treaty was ratified by Congress on the 24th day of February, 1831--go before the govern-

Isador Rush--3.

ment Agent in Mississippi and signify to him his intention of remaining in the state--in the old Choctaw Nation--and becoming a citizen of the states, and also notify the Agent that he wanted to take lands under this fourteenth article. After having done this he was entitled, as head of a family, to a reservation of one section of land to be bounded by sectional lines of survey; and for each unmarried child of his family over ten years of age he was entitled to a half section, or three hundred and twenty acres; and for each child under ten years of age he was entitled to a quarter section, or one hundred and sixty acres; the reservation of the children to adjoin the reservation of the parent, and these reservations to include improvements owned by the head of the family at the time this treaty was made, September 27, 1830. This article also required that after a Choctaw had received his lands from the government as a beneficiary under this fourteenth article he should reside upon the same for a term of five years, after which time the government would give him a title in fee simple to the lands, thus enabling him to dispose of the lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Nation and fully complied with the provisions of this fourteenth article by going before the United States Agent and having his name registered and taking lands under the article and resided upon the same for five years, did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did lose any right to claim any portion of the Choctaw annuity. Annuities was money being paid to the Choctaw tribe of Indians by the United States government under treaty provisions.

- Q You think you understand that article as read and explained to you? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830 at the time this treaty was made? A Supposed to be Peter Picayune.
- Q Was he married and the head of a family at that time? A I don't know.
- Q You claim your Choctaw blood from your mother Delila J. Rush; who did she get her Choctaw blood from? A Her mother.
- Q What was her mother's name? A Delila J. Fix.
- Q Was Delila J. Fix married and the head of a family and did she live in Mississippi in 1830 at the time this treaty was made? A I don't know.
- Q Who did Delila J. Fix get her Choctaw blood from? A Her mother.
- Q What was her name? A Sarah Simon.
- Q Was Sarah Simon married and the head of a family and did she live in Mississippi at the time this treaty was made in 1830? A I don't know.
- Q Who did Sarah Simon get her Choctaw blood from? A From her father Peter Picayune.

Isador Bush--4.

- Q Were any of your Choctaw ancestors recognized as members of the Choctaw tribe of Indians at the time this treaty was made?
- A I couldn't tell you; that's before I was here.
- Q Did any of your Choctaw ancestors ever comply with or attempt to comply with any of the provisions of this fourteenth article?
- A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on what constituted the old Choctaw nation in Mississippi and Alabama at the time the treaty was made? A Not that I know of.
- Q Did any of your Choctaw ancestors ever remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, at the time of the removal of the Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors go before the government Agent in Mississippi within six months from the ratification of this treaty--within six months from the 24th of February, 1831, and tell him they wanted to remain in the old Choctaw Nation and take lands under the provisions of this article? A Not that I know of.
- Q Did any of your Choctaw ancestors ever receive lands from the United States government as Choctaw Indians under the provisions of this fourteenth article? A Not that I know of.

In accordance with the provisions of the fourteenth article of this treaty the government directed an Agent in Mississippi to register the names of all those Choctaws who desired to remain and become citizens of the states, and who wanted to take lands under its provisions. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did go before him and told him they wanted to stay there and take lands. On this account, in many instances, lands on which Indians had improvements and which they wanted to reserve for them, was sold by the government at its public land sales. This caused a great many complaints among the Choctaws and these complaints finally reached Congress. Congress appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a large number of claims; some were allowed and some were rejected. Of the claims allowed, after approval by the Secretary of War and the president, if the lands had not been sold by the government, the Indians were put in possession of them. If, however, they had been sold and the Indians established their claim to them under this fourteenth article, they were given scrip in lieu of the lands which had been sold by the government, and under this scrip they were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Arkansas and Louisiana.

- Q Did any of your Choctaw ancestors appear before any Commissions of the government in Mississippi at any time and attempt to establish claims to lands under this fourteenth article? A Not that I know of.
- Q Did any of your Choctaw ancestors own any lands in the states of Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

Isador Rush--5.

- Q Did any of your Choctaw ancestors receive any scrip from the government for lands which they had lost by reason of the lands having been sold at the public land sales of the government?
- A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not as far as I know.
- Q Have you any witnesses you want to bring before the Commission to-day, to testify in support of your case? A No sir.
- Q Have you any written evidence you want to file with the Commission to-day in support of your application? A No sir.
- Q Do you know of any witnesses that you could bring before the Commission who could testify to the fact that your ancestors ever complied with or attempted to comply with the provisions of the fourteenth article of this treaty? A No sir.
- Q Do you know of the existence of any written evidence such as deeds to lands or patents or papers of any kind that would tend to show that your ancestors ever complied with or attempted to comply with the provisions of the fourteenth article of this treaty? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaws?
- A Yes sir.
- Q Give their names? A Jesse Fix (M.C.R.1024), Cyrus Fix (M.C.R. 1056), my mother Delila J. Rush (M.C.R.4205).

This applicant has brown hair and brown eyes, medium fair complexion, has the features and appearances of a person of white parentage, does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all the proceedings had in the above entitled cause on the 23rd day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27 day of December, 1901.

*C. R. [Signature]*  
Commissioner.

COPY.

W.D. 4416

Muskogee, Indian Territory, June 20, 1902.

Isador Bush,

Poseyville, Mo. Kas.

Dear Sir:

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus F. Fix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus F. Fix, et al.,	W.C.R. 1056,
Mary J. Bush, et al.,	W.C.R. 4431,
Cyrus F. Fix,	W.C.R. 1065,
Sarah Myrtle Bauman, et al.,	W.C.R. 1096,
Delila Jane Bush, et al.,	W.C.R. 4208,
William H. Bush,	W.C.R. 4413,
Delila E. Fols,	W.C.R. 4414,
John L. Bush,	W.C.R. 4415,
Lucy Mitchell, et al.,	W.C.R. 4204,
Isador Bush,	W.C.R. 4416,
Nora Navarre,	W.C.R. 4417,
Jesse Fix, et al.,	W.C.R. 1024,
William H. Sultz, et al.,	W.C.R. 1025.

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats. 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty; and to that end may administer oaths, examine witnesses and perform all



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other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah L. Fix, James H. Fix, Laura Fix, Mary J. Wood, Ivy Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Rayner Bauman, Viola May Bauman, Neila Jane Bush, Gracie Helen Bush, William C. Bush, Delila C. Reis, John Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Puch, Nora Lawrence, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Corrie Fix, William C. Fix, Emma Pultz, Louis A. Pultz, Goldie E. Pultz, Marie E. Pultz and Katie C. Pultz as Cheateau Indians entitled to rights in the Cheateau lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. H. H. H.

W. H. H. H.

Re iterated.

Commissioner in Charge.

Washoe, Indian Territory, November 15, 1902.

Isador Bush,

Roseville, Kansas.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus F. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

Acting Chairman.



For Identification as a Mississippi Choctaw.

Date

Name *Eldor Bush*

Age *24* Birth *Dec 4 1895*

Post office *Merriwille Tenn.*

Father *John Bush* ✓

Mother *Delila S. Bush* ✓

Claims for *mother*

Wife *Rachel Bush* ✓  
*no claim for wife*

Claims for self alone -

Children

Stenographer *H. W. Miller*

Choctaw · MCR 4417

Nora Navarre

See MCR 1056

MCR 4417

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 23, 1901.

#4417.

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In the matter of the application of Nora Navarre for  
identification as a Mississippi Choctaw.

Applicant represented by S. Heard, attorney.

Nora Navarre, being first duly sworn, on her oath  
testified as follows:

Examination by the Commission:

- Q What is your name? A Nora Navarre.  
Q How old are you? A Twenty.  
Q How much Choctaw blood do you claim? A I don't know.  
Q What is your post office address? A Rossville,  
Q What state is that in? A Kansas.  
Q Is your father living? A Yes sir.  
Q What is his name? A John Bush.  
Q How old is your father? A About fifty-two.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Delila J. Bush.  
Q How old is she? A She's about fifty.  
Q Through which one of your parents do you claim your Choctaw  
blood? A My mother.  
Q Where was your mother born? A Indiana.  
Q Did she ever live in the state of Mississippi? A No sir.  
Q Where is she living now? A Rossville, Kansas.  
Q Did she ever live in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Edward Navarre.  
Q Does he make any claim to Choctaw blood? A No sir.  
Q Do you make any claim for him? A No sir.  
Q Have you any children that you desire to make application for?  
A No sir.  
Q Then this application is for yourself alone? A Yes sir.  
Q Is the name of your mother to be found on any of the tribal  
rolls in the Indian Territory? A No sir.  
Q Has she ever been recognized in any manner by the Choctaw tribal  
authorities or the authorities of the United States as a Choctaw  
Indian? A Not that I know of.  
Q Is your name to be found on any of the tribal rolls of the Choctaw  
Nation in Indian Territory? A No sir.  
Q Did you, or anyone for you, ever make application to the Choctaw  
tribal authorities in Indian territory, to be enrolled as a member  
of that tribe? A No sir.  
Q Did you or anyone for you in the year 1896, make application to  
the Dawes Commission to be admitted to citizenship in the Choctaw

Nora Navarre--2.

taw Nation, under the Act of Congress of June 10, 1896?

A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or the United States Court for Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be enrolled or admitted as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory, under the provisions of the treaty of 1830 made between the United States government and the Choctaw tribe of Indians in Mississippi, on the 27th of September, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line, at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. At the time this treaty was made some of the Choctaws didn't want to go to the new country, but wanted to stay in the old Choctaw Nation. For the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive lands from the government under its provisions, he should, within six months from the ratification of the treaty--the treaty being ratified on the 24th day of February, 1831--go before the government Agent in Mississippi, tell him he wanted to remain in Mississippi, become a citizen of the states and take lands under this article. After having done this he was entitled to a reservation, as head of a family, of one section, or six hundred and forty acres of land, and for each child in his family unmar-

Nora Navarre--3.

ried and over ten years of age he was entitled to a half section, or three hundred and twenty acres of land, and for each child under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made, September 27th, 1830. This article also required that a Choctaw who received lands under the provisions of this article should reside upon said lands for five years, after which time he would be given a title in fee simple thus enabling him to dispose of the lands at his pleasure. The last clause of this article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in Mississippi and fully complied with all of the provisions of that article by going before the Agent and registering his name and taking lands and residing upon the same for five years, did not forfeit his right to citizenship in the new Choctaw nation, Indian Territory, but did lose any right to claim any portion of the Choctaw annuities. Annuities was money being paid to the Choctaw tribe of Indians annually by the United States government under treaty provisions.

- Q Do you understand that article as I have explained it to you?  
A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Peter Picayune.
- Q What relation is Peter Picayune to you? A Great-great-grandfather.
- Q You claim your Choctaw blood from your mother Delila J. Push; now who did she get her Choctaw blood from? A Her mother Delila J. Fix.
- Q Was Delila J. Fix married and the head of a family and did she live in Mississippi at the time this treaty was made? A I don't know.
- Q Who did Delila J. Fix get her Choctaw blood from? A Sarah Simon her mother.
- Q Was Sarah Simon married and the head of a family and did she live in Mississippi at the time this treaty was made? A I don't know.
- Q Who did Sarah Simon get her Choctaw blood from? A Her father Peter Picayune.
- Q Was Peter Picayune married and the head of a family and did he live in Mississippi at the time this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 at the time this treaty was made? A Not that I know of.
- Q Did any of your Choctaw ancestors ever comply with or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors own any improvements on what constituted the old Choctaw nation in Mississippi and Alabama

Nora Navarre--4.

at the time this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory, between the years 1833 and 1838, at the time of the removal of the Choctaw Indians to the Indian Territory?

A I couldn't say.

Q Did any of your Choctaw ancestors within six months from the ratification of this treaty, that is, within six months from the 24th day of February, 1831, go before the government Agent in Mississippi and tell him they wanted to stay in Mississippi and take lands as Choctaw Indians under this fourteenth article?

A I don't know.

Q Did any of your Choctaw ancestors claim or receive any lands from the government as Choctaw Indians under this article?

A I don't know.

In accordance with the provisions of this fourteenth article the government directed its Agent in Mississippi to register the names of all Choctaws who wanted to remain in Mississippi, become citizens of the states and take lands as beneficiaries under the provisions of this article. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did appear before him and signify their intention of remaining, and on this account, in many instances, lands on which Choctaw Indians owned improvements and which they desired to reserve, was sold by the government at its public land sales. This caused a great many complaints by the Choctaws and these complaints finally reached Congress. Congress, under various Acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a large number of claims; some they allowed, some they rejected. Of the claims allowed, after approval by the Secretary of War and the President, if the lands had not been sold by the government, the Indians were put in possession of them. If, however, such lands as they claimed had been sold and they established their right to these lands, the government gave them scrip in lieu of the lands which had been sold, and under this scrip they were entitled to locate on vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish claims to lands under this fourteenth article? A Not as I know of.

Q Did any of your Choctaw ancestors own lands in the states of Alabama, Louisiana, Mississippi or Arkansas? A I don't know.

Q Did any of your Choctaw ancestors ever receive any scrip from any of these Commissions for land which they had lost by it having been sold at the public land sales of the government?

A Not that I know of.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not as I know of.

Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A Don't know.

Q Have you any witnesses you want to bring before the Commission to-day in support of your application? A No sir.

Q Have you any written evidence you want to file with the Commission to-day in support of your application? A No sir.

Nora Navarre--5.

- Q Do you know of any witnesses that you could bring before the Commission who could testify that your ancestors complied with or attempted to comply with the provisions of this article fourteen? A No sir.
- Q Do you know of the existence of any written evidence such as deeds to land, patents, or papers of any kind that would tend to show that your ancestors complied with the provisions of this article? A No sir.
- Q Is there any further statement you desire to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has brown hair, black eyes, medium fair complexion, the appearances and features of a person of white parentage; does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

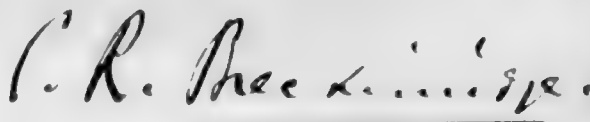
Witness recalled:

- Q Have you any relatives who have made application before this Commission for identification as Mississippi Choctaws?
- A Jesse Fix (M.C.R.1024), Cyrus Fix (M.C.R.1056), Delila J. Bush (M.C.R.4205).
- Q Delila J. Bush is she your mother? A Yes sir.
- Q Do you desire the evidence in their cases to be made a part of the record in your case? A Yes sir.
- Q And your case to be considered with theirs? A Yes sir.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all the proceedings had in the above entitled cause on the 23rd day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

  
Subscribed and sworn to before me this 27th day of December, 1901.

  
Commissioner.



COPY.

N.C.R. 4417

Muskogee, Indian Territory, June 20, 1902.

Nora Navarre,

Kennettville, Kansas.

Dear Madam:

You are hereby advised that on the 19th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus W. Fix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus W. Fix, et al.,	N.C.R. 1006,
Mary J. Wood, et al.,	N.C.R. 4431,
Cyrus W. Fix,	N.C.R. 1068,
Sarah Martha Bauman, et al.,	N.C.R. 1096,
Delila Jane Bush, et al.,	N.C.R. 4205,
William J. Bush,	N.C.R. 4413,
Delila J. Feis,	N.C.R. 4414,
John W. Bush,	N.C.R. 4415,
Lucy Mitchell, et al.,	N.C.R. 4204,
Isador Bush,	N.C.R. 4416,
Nora Navarre,	N.C.R. 4417,
Jesse Fix, et al.,	N.C.R. 1024,
William W. Holtz, et al.,	N.C.R. 1095.

These applications were made under the provision of the act of Congress of June 29, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh



N X 2

sixteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

This decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus W. Pix, Sarah W. Pix, James W. Pix, Laura Pix, Mary J. Wood, Ivy Clara Wood, Bertha E. Wood, Cyrus E. Pix, Sara Myrtle Lauman, Charles Benjamin Burton, Nellie Rayner Burton, Viola May Burton, Della Jane Bush, Gracie Helen Bush, William W. Bush, Della E. Weis, John E. Bush, Tom Mitchell, Edna Mae Mitchell, Edna Mitchell, Wayne Mitchell, Lander Bush, Nora Navarre, Jesse Pix, Clara E. Pix, Phillip Pix, Clara Pix, Robert Pix, Charlie Pix, William J. Wittz, Edna Pix, Louis Pix, Goldie M. Pix, Marie J. Wittz and Kate Wittz, as their names are listed to be in the Shoshone land under the provisions of Article Fourteen of the Treaty of 1850, and that the application for their identification as such is hereby refused, and so is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in the time of such action as may be taken by him.

Yours truly,

J. D. Medley.

Registered.

Commissioner in Charge.

M C R 4417

Muskogee, Indian Territory, November 15, 1902.

Nora Navarro,

Rossville, Kansas.

Dear Madam:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

Acting Chairman.

No. 4117

For Identification as a Mississippi Choctaw.

Date DEC 23 1901

Name Nora Mianre

Age 20 B. Not known

Post Office, Louisville Kans

Father John Duck ✓

Mother Melila Duck ✓

Grandmother Mother

Husband

Edward Mianre ✓

No claim for husband

Claim for self alone

Chances

Stenographer

H. W. Millan

Choctaw: MCR 4418

Nancy Lelia Black

See MCR 4419

MCR 4418

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Nancy Lelia Black  
et al. for identification as Mississippi Choctaws, consol-  
idating the applications of:

Nancy Lelia Black et al.,	M.C.R. 4418
John H. Bridges et al.,	M.C.F. 4419.

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List of papers forwarded to the Secretary of the Interior,  
comprising the report in the consolidated case  
of Nancy Lelia Black et al.

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( Page)

Original application of Nancy Lelia Black et al. before the Dawes Commission for identification as Mississippi Choctaws .....	1
Original application of John H. Bridges et al. before the Dawes Commission for identification as Mississippi Choctaws .....	8
Testimony of Ellen Bridges .....	13
Decision of the Commission denying the consolidated ap- plication of Nancy Lelia Black et al. for identification as Mississippi Choctaws .....	13

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. December 23, 1901.

4418.

In the matter of the application of Nancy Lelia Black for the identification of herself and her four minor children; Callie, Sefton, Earnest and Nellie Black, as Mississippi Choctaws.

---Applicants represented by John London, Attorney---

Nancy Lelia Black, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Nancy Lelia Black.  
Q How old are you? A I was born in 1854.  
Q You are forty seven years of age then, are you? A Yes sir.  
Q How much Choctaw blood do you claim? A My great grandfather was a full blood, and my grandma was a half breed.  
Q Was your father a white man? A His father was a white man but his mother was Indian.  
Q Was your father a white man? A No sir, he was Choctaw.  
Q How much Choctaw blood has your mother? A She has none.  
Q How much did your father have?--How much does she claim to have?  
A I really don't know.  
Q Whom did he get his Choctaw blood from? A His mother.  
Q How much Choctaw blood did she have? A One half.  
Q Was his father a white man? A Yes sir.  
Q Then your father would have one quarter? A Yes sir.  
Q Then you have about one eighth Choctaw blood, do you think? A That is what they claim.  
Q What is your post office address? A Clarksville, Texas.  
Q Is your father living? A No sir, died when I was small.  
Q How old would your father be if he were living now? A He would be seventy some odd years old, nearly eighty.  
Q What was his name? A Andrew Bridges.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Ellen.  
Q How old is your mother? A She is sixty some odd years old.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Where was your father born? A Born in Mississippi.  
Q Did he die in Mississippi? A Yes sir.  
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States?  
A Well, I don't remember, you see I was small.  
Q Your father having died in Mississippi---Did he ever live at any time of his life in Indian Territory? A I don't know whether he did or not; you see I was small.  
Q Did you ever hear anybody say that he lived in Indian Territory?  
A No sir.  
Q Were your mother and father legally married? A Yes sir.  
Q When and where were they married? A In Mississippi.

Nancy Lelia Black-----2.

Q Do you know in what year? A About '52 or '53.  
Q Were they married under a marriage license? A Yes sir.  
Q Were they married by a minister or by an official? A A judge.  
Q Have you the marriage license and certificate between your father and mother with you? A No sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother. You can do that by diling the original marriage license and certificate or a certified copy of the same or some other legal evidence.

Q Are you married? A Yes sir.  
Q What is the name of your husband? A Upton Black.  
Q He is living, is he? A Yes sir.  
Q Does he make any claim to Choctaw blood? A Not a bit.  
Q Do you claim for him? A No, only for five children.  
Q Have you any children unmarried and under twenty one years of age for whom you desire to make application? A I have four under twenty one.  
Q Give the names and ages of your children? A Callie.  
Q Is that a boy or girl? A Boy, sixteen.  
Q What is the name of the next? A Sefton.  
Q How old is Sefton? A He is ten.  
Q Is that a boy or girl? A Boy.  
Q Next one? A Earnest.  
Q How old is Earnest? A Nine.  
Q Next? A Nellie.  
Q How old is Nellie? A She is six.  
Q Then you make claim for yourself and four minor children? A Yes sir.  
Q What is the name of your child that is over twenty one years of age? A David.  
Q Is he married? A No sir.  
Q These children that are under twenty one are the children of yourself and Upton Black? A Yes sir.  
Q They are all living with you? A Yes sir, he is at home with them now keeping them until I get back to them.  
Q Is your name or the name of any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you or any one for you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A I tried to get it two years ago and couldn't.  
Q Whom did you make application to? A I don't remember the man.  
Q Did you go before the Choctaw tribal authorities at that time? A No sir, I didn't; my husband tried and said he couldn't get it.  
Q You don't know whom he went before? A No sir.  
Q Was it before the Dawes Commission? A I don't know sir.

The records of the Commission have been examined and the name of this applicant is not found thereon.

~~Q Did you or any one for you or for your children in the year 1896 make application to the Dawes Commission to be admitted to citizenship in the Choctaw Nation? A If I have, I don't remember it; we all talked about it.~~

Nancy Lelia Black-----3.

Q But you have never been before the Dawes Commission? A No sir, this is our first time.

Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission, or the United States Court in Indian Territory? A No sir.

Q Do you appear before the Commission at this time for the purpose of of claim rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty between the United States Government and the Choctaw Indians made in Mississippi in 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians who lived at that time in and occupied a portion of the state of Mississippi and a small portion of the state of Alabama, lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to a new country west of the Mississippi river. At the time this treaty was made, some of the Choctaws did not want to come to his country but wanted to remain in the old Nation, and for the benefit of this class of Indians, article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This fourteenth article required that a Choctaw who desired to remain in the old Choctaw Nation in Mississippi and Alabama and become a citizen of the states and take land under its provisions, should within six months from the time the treaty was ratified--that is within six months from February 24, 1831, go before the United States agent and let him know that he wanted to remain and take land under this article. If he did that he was entitled to a reservation,--a head of a family--of one section of six hundred and forty acres of land, and for each child unmarried and over ten years of age he was entitled to three hundred and twenty acres, and for each child under ten years of age was entitled to one hundred and sixty acres of land, the reservations of the children to adjoin the reservations of the parent, and to include the improvements owned by the head of the family at this time this treaty was made. This article also required that a Choctaw who took land was to reside upon it five years, after which time the government would give him a title in fee simple, enabling him to dispose of the land at his pleasure. The last clause is as follows



Nancy Lelia Black-----4.

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who remained in the old Choctaw Nation in Mississippi and Alabama and took land under the provisions of this article did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit any right to claim any part of the Choctaw annuities. The annuities were money paid by the government to the Choctaw tribe of Indians under treaty provisions.

Q Do you understand that article now as read and explained to you?

A Yes sir, I reckon I do.

Q What is the name of your Choctaw ancestor who lived in Mississippi at the time this treaty was made? A I don't remember, you see I was small.

Q You claim your Choctaw blood from your father Andrew Bridges?

A Yes sir.

Q Through whom did Andrew Bridges get his Choctaw blood? A His mother.

Q What was his mother's name? A Nancy.

Q Nancy Bridges? A Yes sir.

Q What was her name before she married? A Nancy Copeland.

Q Was she living and head of a family in 1830? A Yes sir, I reckon she was.

Q Did she live in Mississippi at the time this treaty was made, September 27, 1830? A I don't remember, I was small.

Q Do you know of any proof that would show that she did live in Mississippi in 1830? A No sir, I do not.

Q Where did your father die? A In Mississippi.

Q Did his mother die in Mississippi also? A Yes sir.

Q Do you know where his mother was born? A Born in Green, Georgia, if I ain't sadly mistaken.

Q Do you know whether his mother, your grandmother--what time she moved from Georgia to Mississippi? A No sir, I don't remember.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 at the time this treaty was made?

A Yes sir, I guess so.

Q How do you know they were? A If you was to tell them they had Choctaw blood in them they would knock you down.

Q What kind of proof have you that they were recognized members of the Choctaw tribe of Indians in 1830? A I don't remember.

Q You don't know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe in 1830? A I can't say for certain. They said they was.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 at the time this treaty was made?--I mean by improvements on land--land that had houses erected on it or that was fenced or cultivated? A I couldn't tell; I was so small I couldn't remember; my people all died.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama at between the years 1833

and 1838 at the time the Choctaw Indians moved from the old Choctaw Nation to the Choctaw Nation, Indian Territory? A Yes sir, we have got people over here, but I don't know where they are at.

Q Do you know when they came over here? A I was not grown when they came.

Nancy Lelia Black-----5.

Q What is the name of your people that came over here? A Sometimes I can call their names and sometimes I can't.

Q Any of them live in Indian Territory now? A They was here last I heard of them.

Q You don't know their names? A I couldn't call it to save my life.

Q How do you know you were kin to them? A We were all of the same tribe.

Q Did any of your Choctaw ancestors within six months from the time the treaty was ratified tell the government agent in Mississippi that they voted to stay in Mississippi and became citizens of the states and take land under this article? A That is what they told me since I have been big enough to remember.

Q Who told you? A My parents.

Q That they did stay in Mississippi and took land? A Yes sir.

Q Have you any proof that they did take land---any papers to show they did take land? A No sir.

Q All you know is what you have been told? A Yes sir.

Q Where was this land situated? A Right there in Ittalla county, Mississippi.

Q Your people got this land from the government as Choctaw Indians?

A That is what they said.

Q Have you ever had the records searched to know whether they received these lands from the government as Choctaw Indians? A No sir.

Q And you don't know of any papers of any kind that would show that they received this land as Choctaw Indians? A No sir.

Q Which one of your ancestors got this land? A My aunt has got it now.

Q Whom did your aunt get this land from? A From my pa's brother.

Q How did your pa's brother get the land? A From his mother.

Q Whom did she get it from? A From the state.

Q As a Choctaw Indian? A That is what I have been told.

Q Just what have you been told about this land that these people owned? --- How did they come into possession of it? A They just said they got the land, that is all I remember anything about.

Q Did they tell you they got this land from the government as Choctaw Indians? A That is what they said.

Q Did they said they got that land as Choctaw Indians? A That is what they told me.

Q Who told you. A My people that are back there.

Q Who? A My uncle, J. Bridges, who is in his grave.

Q He told you he got land as a Choctaw Indians from the United States government? A His father and mother did.

Q How did he know that? A I never asked him.

Q What one of your family was it that got that land from the United States government as Choctaw Indian? A They said my father's mother.

Q What was her name? A Hername was Copeland before she married.

Q How do you spell that? A I don't remember.

✓ All the records of the Commission relative to claims adjudicated under the provisions of the fourteenth article of the treaty of 1830 and the records of the government of lands granted to Choctaw Indians under that article of that treaty have been examined and the name of Nancy Copeland has not been found thereon.

Q Did Nancy Copeland ever have any other name? A I don't remember.

Q Did she ever have a Choctaw Indians name? A I don't remember, you see I was small.

Nancy Lelia Black-----6.

By Mr London:

Q Did you ever hear them say she had a Choctaw name? A No sir, I don't remember.

By the Commission:

Q In accordance with the provisions of this fourteenth article, the government directed an agent in Mississippi to register the names of all Choctaws who wanted to remain in the old Choctaw Nation and become citizens of the states and take land under this article. The records of the government show that this agent failed to register the names of a great many Choctaws who he go before him and tell him they wanted to stay there and take land, and on this account in a great many instances land upon which the Choctaws had improvements and which they desired reserved for them was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the state of Mississippi and adjudicate these claims. Claims that were investigated and allowed, after approval by the Secretary of War and the President, the Indian was given possession of the lands, or if the land had been sold he was given scrip, and under this scrip he was entitled to locate on vacant government land, in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your ancestors go before any of these government commissions and attempt to establish claims they had to land under this fourteenth article? A I don't remember, if they did I don't remember.

Q Did any of your Choctaw ancestors own any land in any of these other states--you say they have owned some in Mississippi---Did they own any in Alabama, Louisiana or Arkansas? A I don't remember whether they did or not

Q What do you mean when you say you don't remember? A I don't know a thing about it.

Q Why don't you say you don't know, then---You have no knowledge of them having owned any land in any of these states? A I don't know anything about it.

Q Do you know of the existence of any papers whatever, deeds or patents to land, that would tend to show that your ancestors did get land from the government as Choctaw Indians? A No sir.

Q Do you know of any witnesses whom you can bring before the Commission to testify that your ancestors received land as Choctaw Indians? A My mother.

Q Does she know that your ancestors got land as Choctaw Indians? A No sir.

Q Where does your mother live? A She is here now.

Q Do you intend to introduce your mother as a witness and have her testify in your case? A I thought that would be proper.

Q Is your mother going to make application herself? A No.

Q Have you any written evidence you want to present to the Commission at this time? A No sir.

Q Do you understand or speak the Choctaw language? A I couldn't talk it, but I understood right smart of it.

Q Where did you get your knowledge of the Choctaw language? A I was raised with them in Mississippi.

Nancy Lelia Black-----7.

Q How long did you live in Mississippi? A I have been here thirteen years---I was in Clarkesville twelve years and lived in the nation one years, that makes thirteen.

Q You moved from Mississippi to Texas? A Yes sir.

Q What part of Mississippi were you raised in? A Ittala county.

Q Are there many Choctaw Indians living in Ittala county? A Yes sir.

Q You lived with those Choctaw Indians did you? A Yes sir.

Q Were you recognized as a Choctaw Indian among the people where you lived? A Yes sir.

Q Did you associate with the Choctaws altogether? A Right smart.

Q Is there any further statement that you desire to make in support of your application at this time? A No sir, not that I know of.

This applicant has dark brown hair, gray eyes, medium fair complexion; she states that she does not speak but understands the Choctaw language, and gained her knowledge from association with the Choctaws while living in Mississippi. She has the features and appearance of a person of white parentage. She has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mr London: We will ask for time in which to furnish additional testimony.

The Commission: Reasonable time will be granted.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 1<sup>st</sup> day of December, 1901.

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 23, 1907.

In the matter of the application of Nancy Lelia Black, et al,  
for identification as Mississippi Choctaws, M.C.R-4418.

In the matter of the application of John H. Bridges, et al, for  
identification as Mississippi Choctaws, M.C.R-4419.

-----Applicants represented by John London, Attorney:-----

Ellen Bridges, called as a witness on behalf of applicants in  
above cases, testifies upon oath as follows:

Examination by the Commission:

- Q What is your name? A Ellen Bridges.  
Q How old are you? A Seventy years old the first day of last June.  
Q What is your post office address? A Clarkesville, Texas.  
Q Do you make any claim to Choctaw blood? A No sir.  
Q Do you know Nancy Lelia Black? A Yes sir.  
Q What relation is she to you? A She is my daughter.  
Q Do you know John H. Bridges? A Yes sir.  
Q What relation is he to you? A He is my son.  
Q Is your husband living? A No sir, he has been dead twenty five  
years.  
Q What was his name? A Andrew Jackson Bridges.  
Q When did he die? A He has been dead about twenty five years.  
Q Where did he die? A McCool, Mississippi.  
Q Did he claim any Choctaw blood? A Yes sir.  
Q How much? A His grandpa was Indian.  
Q Was his grandpa a full blooded Indian? A Yes sir.  
Q Whom did your husband get his Choctaw blood from? A His mother.  
Q What was her name? A Her name was Nancy Copeland.  
Q How much Choctaw blood did she have? A She was half; her daddy  
was a full blood.  
Q Was Nancy Copeland married and the head of a family in 1830?  
A Yes sir.  
Q Did she live in Mississippi at that time? A Yes sir.  
Q Did Nancy Copeland die in Mississippi? A Yes sir.  
Q Did she at any time ever live in the Indian Territory? A Not that  
I know of.  
Q Do you know where she was born? A Just hearing that say she was  
born in Greene county, Georgia.  
Q Did Nancy Copeland understand and speak the Choctaw language? A Not  
very much.  
Q Was she a recognized member of the Choctaw tribe of Indians in  
1830? A I don't know sir.  
Q Did Nancy Copeland ever receive any land from the United States  
government as a Choctaw Indian? A Not that I know of.  
Q Did she own any land in Mississippi? A Yes sir.  
Q Do you know how she came in possession of that land? A Her husband  
bought it and paid the money for it.

Q What year did Nancy Copeland die do you recollect? A I don't exactly recollect, she has been dead about twenty five years.  
Q You knew her in her lifetime? A Yes sir, lived right by her.  
Q What was her appearance? A She was as full blooded Indian as you ever saw.  
Q She looked like a full blood, did she? A Yes sir.  
Q You have testified that she had one half? A Yes sir.  
Q What was the other half? A Dutch.  
Q When and where were you married to your husband Andrew Bridges?  
A I was married right close to McCool.  
Q Were you married by a minister or an official? A I was married by Judge Wells of Kosciusko.  
Q Have you got with you the marriage license and certificate? A No sir, I can send to Kosciusko and get it.  
Q You were married under license then were you? A Yes sir.  
Q Did you ever have any other children besides Nancy L. Black and John H. Bridges? A Yes sir.  
Q Will you give their names, please? A Hugh Bridges.  
Q Is he living? A He was the last account I had of him.  
Q Is he married and the head of a family? A Yes sir, but I don't know anything about his children.  
Q What are the other children's names? A Calvin Bridges.  
Q Is he living? A Yes sir was the last account.  
Q Is he married and has he a family? A Yes sir.  
Q Do you know the names of any of his children? A No sir.  
Q Any other members of your family? A I have a other son, Andrew.  
Q Is he living? A Yes sir, last account I had of him.  
Q Has he a family? A Yes sir.  
Q Do you know the names of his children? A Yes sir, I know the names of some of them, Homer about eleven years old; Blanche, ten; Carl--- and there are three more but I don't know their names.  
Q Any other members of your family? A No sir, that is all that I know of.  
Q Did you ever have any children who died and left families? A No sir.  
Q The names you have given are all the children that you know of?  
A Did I give the name of Upton Bridges at McColl, Mississippi.  
Q Has he a family? A Yes sir, he has a wife and three children.  
Q Do you know the names of those children? A Yes sir, Maud, twelve, Winnie, nine, and Stella, eight.  
Q Is that all of your family? A Yes sir.  
Q Have any of these members of your family been before the Commission and asked for identification as Choctaw Indians except these two who come here with you today? A No sir, not as I know of.

By Mr. London:

Q Did you know John Copeland? A No sir, he died when I was small.  
Q Did Nancy Bridges associate with the Indians or with the white people mostly? A She associated with the white people mostly; there were not many Indians there.  
Q She was generally considered to be an Indian in Mississippi? A Yes, but then she kept company with the white people of course.

H.C. Risteen, having been first duly sworn, upon his oath states:  
That as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd



(3)

day of December, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Rutee*

Subscribed and sworn to before me at Muskogee, Indian Territory,  
this 2nd day of January, 1902.

*Wm. Mitchell Wood*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Handwritten: H. H. C. W. W.*  
In the matter of the application of Nancy Lelia Black et al., for identification as Mississippi Choctaws, consolidating the applications of:

Nancy Lelia Black et al.,	M.C.F. 4418
John H. Bridges et al.,	M.C.F. 4419

-----  
-: D E C I S I O N :-  
-----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Nancy Lelia Black for herself and her four minor children, Callie, Sefton, Earnest and Mollie Black; and by John H. Bridges for himself and his five minor children, John William, Annie Pearl, Maudie May, Maggie Leona and Mollie Nevada Bridges, under the following provision of the act of Congress approved June 23, 1898 (30 Stats. 495).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."



It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Copeland, who is alleged to have been a full blood Choctaw Indian, and Nancy Bridges (nee Copeland), who is alleged to have been a half blood Choctaw Indian, and both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Copeland or Nancy Bridges (nee Copeland) or ancestors less remote of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a

claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Lelia Black, Callie Black, Sefton Black, Earnest Black, Nellie Black, John H. Bridges, John William Bridges, Annie Pearl Bridges, Maudie May Bridges, Maggie Leona Bridges and Nellie Nevada Bridges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

\_\_\_\_\_  
Acting Chairman.

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT 15 1902  
\_\_\_\_\_

Wuskogen, Indian Territory October 15, 1902.

Mrs. Nellie Black,

Clarksville, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of Nancy Nellie Black, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Nellie Black, et al.,	D.C.R. 4418
John W. Bridges, et al.,	D.C.R. 4418.

These applications were made under the provision of the act of Congress of June 20, 1900 (36 Stat., 145) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

This decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Nellie Black, Callie Black, Sefton Black, Earnest Black, Nellie Black, John W. Bridges, John William Bridges, Annie Pearl Bridges, Maudie May Bridges, Maggie Leona Bridges and Mollie Nevada Bridges as Choctaw Indians entitled to rights in the Choctaw

H. L. B.-2

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in charge.

Registered.

Muskogee, Indian Territory October 15, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South - McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 15th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of "Nancy Nellie Black, et al., embracing the following applications for identification as the original Choctaws:

Nancy Nellie Black, et al.,      W.C.F. 441.  
John H. Bridges, et al.,      W.C.F. 442.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 426) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-second, eighteen hundred and thirty, and to that end and in furtherance, examine witnesses and perform all other acts necessary thereto and take report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Nellie Black, Carrie Black, Sefron Black, Fannie Black, Nellie Black, John H. Bridges, John William Bridges, Annie Pearl Bridges, John H. Bridges, Marrie Leona Bridges and Nellie Nevada Bridges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

W. H. & C.-2

of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory October 15, 1902.

London,  
Attorney at Law.  
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 15th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of Nancy Lelia Black, et al., embracing the following applications for identification as Choctaw Indians:

Nancy Lelia Black, et al., U.C.T. 4418  
John W. Bridges, et al., U.C.T. 4419.

These applications were made under the provision of the act of Congress of June 10, 1900 (31 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Lelia Black, Callie Black, Sefton Black, Earnest Black, Nellie Black, John W. Bridges, John William Bridges, Annie Pearl Bridges, Haudie M. Bridges, Maggie Leona Bridges and Nellie Nevada Bridges as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. . .

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in charge.

Registered.



Muskogee, Indian Territory, October 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nancy Lelia Black, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 15, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Nancy Lelia Black, et al.,	M C R 4418
John H. Bridges, et al.,	M C R 4419

The Commission has the honor to report that the principal applicants in the several separate applications their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Noting Chairman.

Through the Commissioner  
of Indian Affairs.  
Enc., M C R 4418.

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65,783-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

Washington, Dec. 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Nancy Lelia Black for herself and her four minor children, Callie, Sefton, Earnest and Nellie Black and John H. Bridges for himself and his five minor children, John William, Annie Pearl, Maudie May, Maggie Leona and Mollie Nevada Bridges, wherein a decision adverse to the applicants was rendered by the Commission on October 15, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from John Copeland and Nancy (Copeland) Bridges whom, they claim were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the <sup>Choctaw</sup> treaty of 1830.

The Commission rejected these parties because their names did not appear among the names of those who complied or

attempted to comply with the provisions of the 14th article of the Chootaw treaty of 1830.

An examination has been made of the records of this office with reference to the names of the parties from whom these applicants claim descent, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the Chootaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

W. A. Jones,  
Commissioner.

(E.B.H.)

P.

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D.C. 275

ITD.7732-1902

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DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

L.R.S.

December 31, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

October 31, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Nancy Lelia Black; and her minor children, Callie, Sefton, Earnest and Nellie Black; and of John H. Bridges and his minor children, John William, Annie Pearl, Maudie May, Maggie Leona and Mollie Nevada Bridges.

The applicants claim rights in the Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of John Copeland, Alleged to have been a full blood Choctaw Indian, and Nancy Bridges (nee Copeland), alleged to have been a half blood Choctaw Indian, both of whom are said to have resided in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Copeland or said Nancy Bridges, or a less remote ancestor, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

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You therefore denied the application October 15, 1902.  
Forwarding the papers December 5, 1902, the Commission of Indian  
Affairs recommends approval of your decision.

A copy of his letter is inclosed.

Having carefully considered the whole record, the Department hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

OPY.

H.C.R. 4418

Muskogee, Indian Territory, January 16, 1903.

Nancy Lelia Black,

Clarkeville, Texas.

Dear Madam:

You are hereby notified that on the 31st day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Lelia Black, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, January 16, 1903.

John London,

Attorney at law,

Poteau, Indian Territory.

Dear Sir:

You are hereby notified that on the 31st day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Lelia Black, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, January 16, 1903.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 31st day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Melia Black, et al., of which decision you were advised by mail on the 15th day of October, 1902.

Respectfully,

Commissioner in charge.



REFER TO M. C. R. 11 18

Nancy Lela Black  
et al

Consent date 11 18

John Caporaso

Nancy Caporaso  
married  
Bridges

Andrew J. Bridges  
wife  
Ellen Bridges

Arch  
1148

Nancy Lelia Bridges

married

Upton Black

Daria Black

Arch  
1148

Callie Black 16

Lepton Black 10

Earned Black 9

Nellie Black 1

Arch  
1148

John H. Bridge, 37

wife  
① Mollie Bridges, dead  
② Mary Bridges

John William Bridges, 15

Annie Pearl Bridges, 12

Maudie May Bridge, 9

Maggie Leona Bridges, 5

Mollie Nevada Bridges, 2

Hugh Bridges

Calvin Bridges

Andrew Bridges

Libby Bridges

Home Bridges

Blanche Bridges

Carl Bridge

Bridges

Bridges

Bridges

Maud Bridges

Winnie Bridges

Stella Bridges

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C. M. B. 10 10 5 1

2 1 1 1

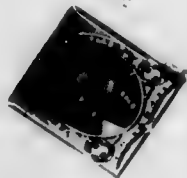
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Department of the Interior

MUSKOGEE IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.00



No. 10  
For Identification as a Mississippi Choctaw.

DECEMBER 23 1901

Nancy  
Nancy Julia Black

Age 47 1/2 Birth 1/8

Post Office Cherokee Texas

Father Andrew Bridges Mrs

Mother Ellen Bridges ✓

Charles Bridges  
Husband Father

Upton Black ✓

No claim for husband

Claim for self & 4 Children

Children

Callie (M) 16

Lepton (M) 10

Earnest 9

Nellie 6

Stenographer H. C. Aiken

Choctaw MCR 4419

John H. Bridges

See MCR 4418

MCR 4419

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 23, 1901.

In the matter of the application of Nancy Lelia Black, et al, for identification as Mississippi Choctaws, M.C.R-4418.

In the matter of the application of John H. Bridges, et al, for identification as Mississippi Choctaws, M.C.R-4419.

-----Applicants represented by John London, Attorney:-----

Ellen Bridges, called as a witness on behalf of applicants in above cases, testifies upon oath as follows:

Examination by the Commission:

- Q What is your name? A Ellen Bridges.  
Q How old are you? A Seventy years old the first day of last June.  
Q What is your post office address? A Clarkesville, Texas.  
Q Do you make any claim to Choctaw blood? A No sir.  
Q Do you know Nancy Lelia Black? A Yes sir.  
Q What relation is she to you? A She is my daughter.  
Q Do you know John H. Bridges? A Yes sir.  
Q What relation is he to you? A He is my son.  
Q Is your husband living? A No sir, he has been dead twenty five years.  
Q What was his name? A Andrew Jackson Bridges.  
Q When did he die? A He has been dead about twenty five years.  
Q Where did he die? A McCool, Mississippi.  
Q Did he claim any Choctaw blood? A Yes sir.  
Q How much? A His grandpa was Indian.  
Q Was his grandpa a full blooded Indian? A Yes sir.  
Q Whom did your husband get his Choctaw blood from? A His mother.  
Q What was her name? A Her name was Nancy Copeland.  
Q How much Choctaw blood did she have? A She was half; her daddy was a full blood.  
Q Was Nancy Copeland married and the head of a family in 1830?  
A Yes sir.  
Q Did she live in Mississippi at that time? A Yes sir.  
Q Did Nancy Copeland die in Mississippi? A Yes sir.  
Q Did she at any time ever live in the Indian Territory? A Not that I know of.  
Q Do you know where she was born? A Just hearing them say she was born in Greene county, Georgia.  
Q Did Nancy Copeland understand and speak the Choctaw language? A Not very much.  
Q Was she a recognized member of the Choctaw tribe of Indians in 1830? A I don't know sir.  
Q Did Nancy Copeland ever receive any land from the United States government as a Choctaw Indian? A Not that I know of.  
Q Did she own any land in Mississippi? A Yes sir.  
Q Do you know how she came in possession of that land? A Her husband bought it and paid the money for it.

(2)

Q What year did Nancy Copeland die do you recollect? A I don't exactly recollect, she has been dead about twenty five years.  
Q You knew her in her lifetime? A Yes sir, lived right by her.  
Q What was her appearance? A She was as full blooded Indian as you ever saw.  
Q She looked like a full blood, did she? A Yes sir.  
Q You have testified that she had one half? A Yes sir.  
Q What was the other half? A Dutch.  
Q When and where were you married to your husband Andrew Bridges?  
A I was married right close to McCool.  
Q Were you married by a minister or an official? A I was married by Judge Wells of Kosciusko.  
Q Have you got with you the marriage license and certificate? A No sir, I can send to Kosciusko and get it.  
Q You were married under license then were you? A Yes sir.  
Q Did you ever have any other children besides Nancy M. Black and John H. Bridges? A Yes sir.  
Q Will you give their names, please? A Hugh Bridges.  
Q Is he living? A He was the last account I had of him.  
Q Is he married and the head of a family? A Yes sir, but I don't know anything about his children.  
Q What are the other children's names? A Calvin Bridges.  
Q Is he living? A Yes sir was the last account.  
Q Is he married and has he a family? A Yes sir.  
Q Do you know the names of any of his children? A No sir.  
Q Any other members of your family? A I have a other son, Andrew.  
Q Is he living? A Yes sir, last account I had of him.  
Q Has he a family? A Yes sir.  
Q Do you know the names of his children? A Yes sir, I know the names of some of them, Homer about eleven years old; Blanche, ten; Carl--- and there are three more but I don't know their names.  
Q Any other members of your family? A No sir, that is all that I know of.  
Q Did you ever have any children who died and left families? A No sir.  
Q The names you have given are all the children that you know of?  
A Did I give the name of Upton Bridges at McColl, Mississippi.  
Q Has he a family? A Yes sir, he has a wife and three children.  
Q Do you know the names of these children? A Yes sir, Maud, twelve, Winnie, nine, and Stella, eight.  
Q Is that all of your family? A Yes sir.  
Q Have any of these members of your family been before the Commission and asked for identification as Choctaw Indians except these two who came here with you today? A No sir, not as I know of.

By Mr London:

Q Did you know John Copeland? A No sir, he died when I was small.  
Q Did Nancy Bridges associate with the Indians or with the white people mostly? A She associated with the white people mostly; there were not many Indians there.  
Q She was generally considered to be an Indian in Mississippi? A Yes, but then she kept company with the white people of course.

H.C. Risteen, having been first duly sworn, upon his oath states:  
That as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd



(3)

day of December, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory,  
this 2nd day of January, 1902.

*Chas. W. [illegible]*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 23, 1901.

4415.

In the matter of the application of John H. Bridges for the identification of himself and his five minor children, John William, Annie Pearl, Maude May, Maggie Leona and Mollie Nevada Bridges, as Wissahiki Choctaws.

---Represented by John London, Attorney---

John H. Bridges, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John H. Bridges.  
Q What is your age? A Thirty nine years old.  
Q How much Choctaw blood do you claim to have? A I claim to have one eighth.  
Q What is your post office address? A Clarksville, Texas.  
Q How long have you lived there? A I have been living there sixteen years.  
Q Where did you live before that? A Mississippi, in Ittala county.  
Q Where were you born, in Ittala county? A Yes sir, born and raised there.  
Q You never lived in any place other than Mississippi and Texas?  
A Yes sir.  
Q Is your father living? A No sir, he died when I was three years old.  
Q What was his name? A Andrew J. Bridges.  
Q How old would your father be if living now? A I don't know his age but I guess it he would be somewhere about seventy four or seventy five years old.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Ellen.  
Q How old is she? A She is sixty nine years old.  
Q Through whom one of your parents do you get your Choctaw blood?  
A From my father.  
Q When and where were your father and mother married? A Married in Mississippi.  
Q What year? A I couldn't tell you.  
Q Were they married under a marriage license? A That is what they claimed; I couldn't tell you that.  
Q Do you know whether they were married by a minister or an official?  
Q They were married by an official so I understand, but I don't know that.  
Q Have you with you any evidence of the marriage of your father and mother? A No sir.

John W. Bridges-----2.

It will be necessary for you to file with the Commission evidence of the legal marriage of your father and mother, which you can do by filing the original marriage license and certificate or certified copy of the same.

Q Are you married? A Yes sir, I am married.

Q Is your wife living? A Yes sir, my second wife---I have been married twice.

Q What is the name of your present wife? A Mary.

Q Does she make any claim to Choctaw blood? A No sir.

Q You make no claim for her? A No sir.

Q Have you any children that you desire to make application for? A Yes sir.

Q Give the names and ages of your children? A The oldest one is named John William.

Q His age? A Fifteen.

Q The name of the next child? A Annie Pearl.

Q How old? A Twelve years.

Q Next? A Haddie May.

Q How old? A She is nine.

Q Any others? A Marie Leona, she is five years old, and I have one named Mollie Nevada, she is two years old.

Q You say you were married twice---are any of these children the children of your first wife? A Yes sir, all except the youngest one.

Q What was the name of your first wife? A Before me and her was married?

Q Yes sir? A Mollie Gaston.

Q Did she make any claim to Choctaw blood? A No sir.

Q When and where were you married to your first wife? A Ittala county, Mississippi, Wosciusko, county seat.

Q When and where were you married to your second wife? A Red River county, Texas.

Q Have you evidence of the legal marriage between yourself and your first and second wife? A No sir.

It will be necessary for you to file with the Commission evidence of the legal marriage of yourself and your first as well as your second wife. You can do this by filing the original marriage licenses and certificates or certified copies of the same.

Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A I do not know sir.

Q Is your name or the name of any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or any one for you or for your children in the year 1896 make application to the Dawes Commission to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for Indian Territory? A No sir.

Q Have you ever made application prior to this time for yourself or

John W. Bridges-----S.

part of your minor children both Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir, never have.

Q Do you appear before the Commission at this time claiming rights in the land of the Choctaw Nation, Indian Territory, for yourself and your minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Tribe of Indians concluded in Mississippi September 30, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 30th day of September, 1830. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama, lying along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river. At the time the treaty was made some of the Choctaws did not want to go to the new country, but wanted to remain in the country they then occupied. For the benefit of that class of Indians, article fourteen was added as part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation and become a citizen of the states and take land under its provisions, he should within six months from the time the treaty was ratified-- the treaty being ratified on the 30th day of September, 1830 --- go to the government agent there in Mississippi and tell him that he wanted to stay there and become a citizen of the states and take land under this article. After he did that he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and for each child unmarried and over ten years of age he was entitled to one half that much land or three hundred and twenty acres, and for each child under ten, he was entitled to a quarter section or one hundred and sixty acres. The reservations of the children to adjoin the reservation of the parent and the reservations to include any improvements which the head of the family might own at the time the treaty was made. This article also required that a

John W. Bridges-----4.

Choctaw having received his land from the government should reside upon said land for a term of five years after which time the government would give him a title in fee simple, which would enable him to dispose of the land at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that after having complied with the provisions of this fourteenth article by taking his land under it and residing upon it for the term of five years, he did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but he did lose any right to claim any portion of the Choctaw annuities. The Choctaw annuities were monies paid to the Choctaws annually under treaties between the government and the Choctaw Indians.

Q Do you think you understand that article? A Yes sir.

Q What is the name of your Choctaw ancestors who lived in Mississippi at the time this treaty was made? A John Copeland.

Q What relation was John Copeland to you? A He was my great grandfather.

Q You claim your Choctaw blood from your father---Whom does he get his Choctaw blood from? A His mother.

Q What was her name? A Nancy Bridges or Nancy Copeland before she married.

Q How much Choctaw blood did Nancy Copeland have? A She has one half.

Q What relation was she to John Copeland? A Daughter.

Q Which one of your foreparents was married and the head of a family and living there in Mississippi in 1830? A My great grandfather and my grandmother too.

Q Was Nancy Copeland married and the head of a family at the time this treaty was made, September 17, 1830? A I think so, I wouldn't be positive about that.

Q Can you tell the Commission which one of your ancestors lived in Mississippi and was married and the head of a family there in 1830?

A My grandmother was so I have been told, that has been my understanding ever since I was a child big enough to recollect anything.

Q Was Nancy Copeland living there and married at that time? A Yes sir.

Q Were your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi at that time? A Yes sir, that is what they say, I don't know myself; I have been taught that.

Q All you know about it is what you have heard? A Yes sir.

Q You have no proof that they were recognized members of the Choctaw tribe of Indians? A No sir.

Q Just what you have been told is all you know about it? A Yes sir.

Q Did any of your Choctaw ancestors ever comply with or attempt to comply with the provisions of this fourteenth article? A Not as I know of.

Q Did any of your Choctaw ancestors own any improvements on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, between the years 1835 and 1836 when the main portion of the Choctaws moved to the Indian Territory? A I was told that they was.

John H. Bridges-----5.

Q You were told what? A That the biggest share of them came in 1835, but I don't know about it.

Q Do you know if any of your Choctaw relatives live in Indian Territory at the present time? A No sir.

Q Which one of your Choctaw ancestors moved to the Indian Territory?

A They just said grandpa's people and grandma's; I couldn't identify any of them.

Q Did Nancy Copeland or her father move to the Indian Territory between the years 1833 and 1838? A I don't know.

Q Do you know where Nancy Copeland died? A Yes she died at her old home in Mississippi.

Q So far as you know neither Nancy Copeland nor her father John Copeland moved to the Indian Territory? A I don't know sir whether they did or not.

Q If he did move to the Indian Territory they must have gone back to Mississippi as you say Nancy Copeland died there? A Yes sir, if they came here they went back.

Q Did you ever hear any of your family say that your grandmother or great grandfather moved to the Indian Territory and moved back there?

A No sir, only talking about the Copelands my uncles.

Q I am asking you about John Copeland and Nancy Copeland? A No, sir, I don't know whether they came here.

Q Did any of your Choctaw ancestors within six months from the time this treaty was ratified, that is within six months from the 24th day of February, 1831, go before the government agent in Mississippi and tell him they wanted to stay in Mississippi and take land under this article? A I don't know.

Q Did any of your Choctaw ancestors ever receive any land from the United States government under this fourteenth article? A Not that I know of.

In accordance with the provisions of this fourteenth article, the government directed an agent in Mississippi to register the names of all Choctaws who wanted to remain there and take land under its provisions. The records of the government show that this agent failed to register the names of a great many Choctaws who did go before him and tell him they wanted to stay and take land. On this account in many instances the lands upon which Choctaws lived and owned improvements and which they desired reserved for them were sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. A great many ~~was~~ claims were investigated and of the claims allowed if the lands had not been sold by the government the Indians were put in possession of them. If, however, the lands had been sold and these claimants established their claims before the Commission, scrip was issued to them in lieu of the land that had been sold, and under this scrip they could locate on vacant government land in the states of Alabama, Louisiana, Mississippi or Arkansas.

Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish any claim to land under this fourteenth article? A Not that I know of.



John H. Bridges-----6.

Q Did your Choctaw ancestors own any land in Mississippi, Alabama, Louisiana or Arkansas? A Yes, grandpa owned land.

Q Where did he own that land? A In Mississippi.

Q How did he come in possession of the land? A I don't know.

Q Did your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors get any scrip from the government on account of claims established before these Commissions? A I don't know.

Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No sir, I don't know that they did.

Q Do you know of any witnesses you can bring before the Commission to testify that your ancestors ever complied with or attempted to comply with the provisions of this article? A No sir.

Q Do you know of any documentary evidence---I mean written evidence, papers, deeds to land or patents---that would show that your ancestors received land from the United States government under the provisions of this article? A No sir.

Q Have you any written evidence that you want to file with the Commission at this time? A No sir.

Mr London: We will ask time to file documentary evidence or introduce any other proof.

Reasonable time will be allowed.

Q Do you speak or understand the Choctaw language? A No sir.

Q Is Nancy Lelia Black who made application today a sister of yours? A Yes sir.

Q She derives her Choctaw blood from the same source as you do? A Yes sir.

Q Do you desire your case to be considered with hers? A Yes sir.

This applicant has brown hair, gray eyes, medium fair complexion; the features and appearance of a person of white parentage. Does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of the treaty of 1830.

Q Have any members of your family or any relatives of yours ever been before the Commission and made application for identification as Mississippi Choctaws, except your sister? A No sir, nit that I know of.

Q Have you any other brothers or sisters living? A Yes sir. I have one brother living.

Q What is his name? A Upton Bridges.

Q Is he a man of a family? A Yes sir.

Q How many children has he? A I don't know.

Q You don't know the names of any of the children? A No sir.

Q Where does he live? A In Mississippi, in Ittala county.

Q Do you know of any descendants of your father who are living other than these? A No sir, I don't know of any that are living.

Q Do you know of any children living of any of your brothers and sisters that are dead? A I don't know where my brothers are, I have not heard from them in eight or nine years.

John H. Bridges-----7.

Q You don't know of any other descendants of your father except yourself and your sister who has been before the Commission today and her family, and this brother whose name you have given? A That is all I know anything about.

Q Any other statements you want to make? A No sir.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 2nd day of January, 1902.

*William H. H. H. H.*

Notary Public.



Muskogee, Indian Territory October 20, 1902.

John H. Bridges,

Clarksville, Texas.

Dear Sir:-

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Lelia Black, et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Lelia Black, et al., U.C.R. 4418.  
John H. Bridges, et al., U.C.R. 4419.

These applications were made under the provision of the act of Congress of June 25, 1900 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Lelia Black, Callie Black, Sefton Black, Earnest Black, Lelia Black, John H. Bridges, John William Bridges, Annie Pearl Bridges, Maudie May Bridges, Maggie Leona Bridges and Nellie Nevada Bridges as Choctaw Indians entitled to rights in the Choctaw

J. H. B. -2

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in charge.

Registered.

RECEIVED  
JAN 17 1903  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 4419

Muskogee, Indian Territory, January 16, 1903.

John H. Bridges,

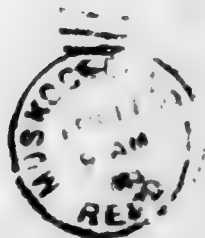
Clarksville, Texas.

Dear Sir:

You are hereby notified that on the 31st day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Lelia Black, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

  
Commissioner in charge.



Department of the Interior.

Commission to the Five Civilized Tribes.

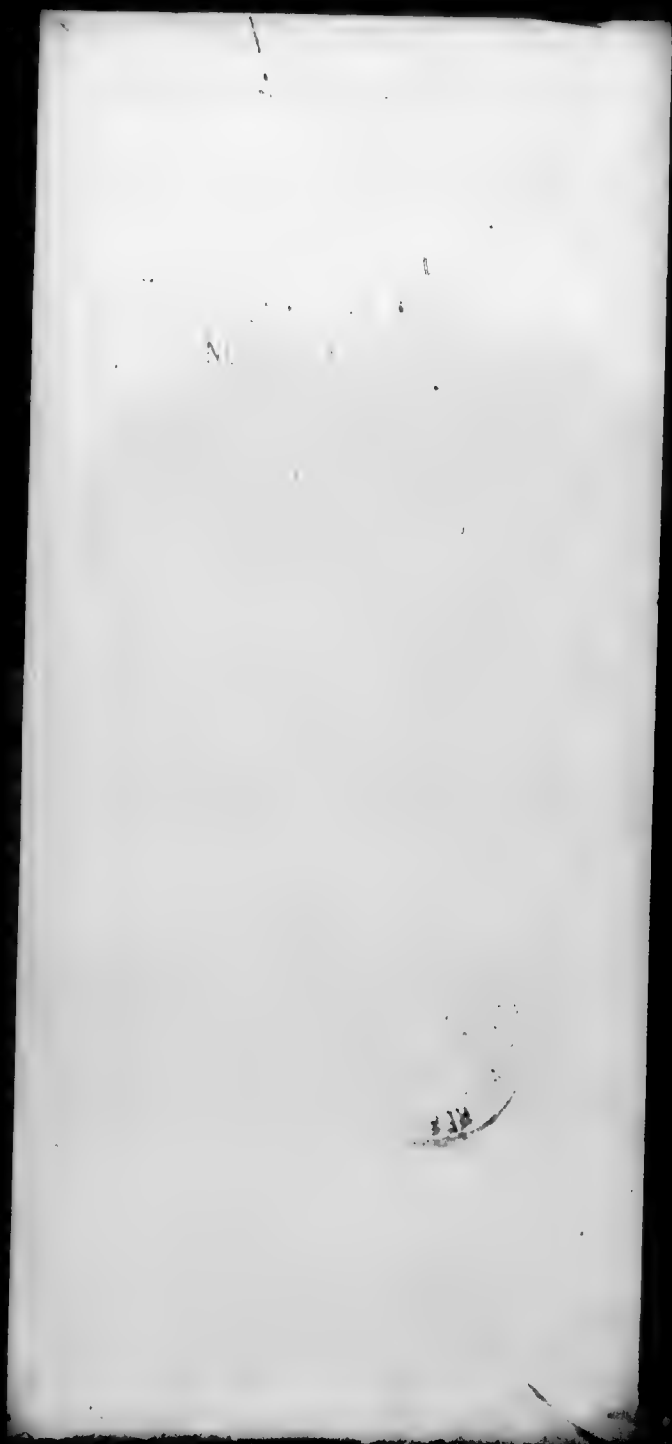
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

John L. Wright,

Lawyer, Dallas, Texas.



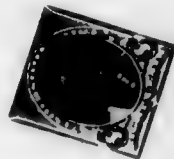
Department of the Interior.

Chief of the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



# For Identification as a Mississippi Choctaw

1895

John M. Bridges  
 Bq. B. 18  
 Clarksville Tex  
 Andrew S. Bridges 1805  
 Ellen Bridges ✓  
 father  
 wife - Mary Bridges ✓  
 not claim for wife  
 Maria M. Bridges 1805  
 claim for wife & children  
 John William Bridges 15  
 Annie Pearl " 12  
 Maudie May " 9  
 Maggie Lena " 5  
 Mollie Nevada " 2

Mollie Garton Morken of  
 Texas

Stenographer H. H. Histen



Choctaw MCR 4420

Jim Willis

MCR 4420

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF MISSISSIPPI

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In the matter of the application of Jim Willis, et al.,  
for identification as Mississippi Choctaws, U.C. 4420.

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IN THE MATTER OF THE APPLICATION OF JIM WILLIS, et al.,  
 for identification as Mississippi Choctaws, . . . 4410.

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In the matter of the application of Jim Willis, et al.,  
 for identification as Mississippi Choctaws, . . . 4410.

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original application of Jim Willis, et al., for identification as Mississippi Choctaws,-----	1
decision of the Commission identifying the above license,-----	9

---0000---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 19, 1901.

4420

In the matter of the application of Jim Willis for the identification of himself, his wife, Louisa, and minor child, Lillie, as Mississippi Choctaws.

Jim Willis, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Jim Willis.  
Q How old are you Jim? A Twenty four.  
Q How much Choctaw blood have you? A Full blood Choctaw.  
Q What is your post office address? A Saint Anns, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q Lived here all your life, have you? A Yes.  
Q Is your father living? A Yes.  
Q What's his name? A Dennis.  
Q Dennis what? A Dennis Willis.  
Q Where does he live? A Indian Territory.  
Q How long has he lived out there? A Seven years.  
Q Is he a full blood Choctaw? A Yes.  
Q Did he live here in Mississippi all his life before he went out there seven years ago? A Yes.  
Q Has he been admitted to citizenship out there? A I don't know.  
Q About how old is your father? A About seventy.  
Q Has he a Choctaw name? A That's Choctaw name, Dennis, and English name is Joe Willis.  
Q Do you know the name of your father's father? A I don't know.  
Q Do you know the name of your father's mother? A I don't know.  
Q Is your mother living? A Dead.  
Q What was her name? A ~~Wah~~ He-ki.  
Q Was she a full blood Choctaw? A Yes, sir.  
Q Older or younger than your father? A Younger.  
Q How long has she been dead? A About six years.  
Q Where did she die? A Die here in Leake County.  
Q Do you know the name of her father? A I just heard that his name was Sam.  
Q Any other name besides Sam? A No, just Sam is all I ever heard.  
Q Never heard of Choctaw name for him? A No.  
Q Do you know the name of your mother's mother? A Sally.  
Q Is she living? A Yes.  
Q Where does she live? A Leake County.  
Q What is her post office address? A Saint Anns.  
Q About how old is she? A About eighty.  
Q What is her other name besides Sally? A Sally Sam.  
Q Has she been before the Commission this year? A No.  
Q So far as you know, have all of your ancestors always been full blood Choctaws? A Yes.  
Q Did any of them, besides your father, ever live in Indian Territory? A No. My father's brother did.

Jim Willis, et al., 2.

Q What was his name? A Billy Willis.

Q Was he admitted to citizenship out there? A No, he didn't live out there but just a little while; I don't know whether he did or not.

Q When did he die? A About five years since he died.

Q Are you married? A Yes.

Q Wife living? A Yes.

Q You living with her at this time? A Yes.

Q What's her name? A Louisa.

Q Were you married to Louisa under a license or according to the Choctaw custom? A Choctaw custom.

Q How long have you lived with her? A Five years.

Q Ever been married more than once? A Just once.

Q Has she been married more than once? A No.

Q Is Louisa a full blood Choctaw? A Yes.

Q Do you want to give in her name too? A Yes.

Q How old is she? A Twenty four.

Q Has she always lived in Leake County? A Yes, born and raised in Leake County.

Q Is her father living? A Dead long time.

Q What was his name? A John.

Q John what? A John Wilson.

Q Did you ever see him? A Yes.

Q Was he a full blood Choctaw? A Yes.

Q Always lived here in Mississippi? A Yes.

Q Have a Choctaw name? A Yes.

Q What was it? A Ah-no-sa-chubbee.

Q How old would he be if he were living now? A About eighty.

Q Do you know the name of his father? A I don't know.

Q Do you know the name of Ah-no-sa-chubbee's mother? A No.

Q Is your wife's mother living? A Yes.

Q What is her name? A Martha Stoliby, the wife of Davis Stoliby.

Q Is she a full blood Choctaw? A Yes.

Q Has she a Choctaw name? A Nah-si.

Q About how old is she? A About fifty.

Q Has she always lived here in Mississippi? A Yes.

Q Do you know the name of her father? A Gibson.

Q Did he have any other name? A I don't know.

Q Did he have a Choctaw name? A No.

Q Where did he live? A I don't know where he did live. Never did see him.

Q Full blood was he? A I reckon so.

Q Is Martha's mother living? A I don't know.

Q Do you know what her name was? A I don't know.

Q So far as you know, have all of your wife's ancestors been full blood Choctaws? A Yes, I reckon so.

Q Have all of them always lived in Mississippi? A Yes.

Q Have you any children living? A Yes.

Q How many? A One.

Q What is that child's name? A Little.

Q How old is she? A Born October 1, 1901.

Q Is she the child of yourself and Louisa? A Yes.

Q This application, then, is for yourself, wife and one minor child, is that correct? A Yes.

Q Are your names to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Jim Willis, et al., 3.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, or wife to be admitted or enrolled as members of that tribe? A No.

Q Did any one else ever make such an application for you? A No.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or wife under the Act of Congress approved June 10, 1896? A No, did not.

Q Have you ever made any application of any kind before to-day?

A Did at Carthage, three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife, Louisa, and one minor child, Sissie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 25; also, upon page 41 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 203, 204 and 205, respectively, thereon.

Q At the time this application was made, two years ago, you had a child by the name of Sissie living, did you not? A Yes, she was living then.

Q When did she die? A About two years ago.

Q How long was it after the Commission was here before in 1899?

A About eight months.

Q Is this application made three years ago, by you, the only application of any kind that has ever been made for yourself or your wife? A Yes, that's the only application.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the eastern edge of the State of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here that is known as the 14th article was put in the treaty. That 14th

Jim Willis, et al., 4.

article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might do so, and might receive land from the Government here in Mississippi.

Q Do you understand that 14th article? A Yes, I think I do.

Fearing that you might not clearly understand it, I will quote it to you.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, and if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with its provisions? A I never heard of it, if they did.

Q Did any of your ancestors, or any of your wife's ancestors, own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A If they did, I don't know it.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1831 and 1836? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know they wanted to stay here in Mississippi and become citizens of the States and take land? A If they did, I don't know it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Jim Willis, et al., 5.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A Never heard.

Q Or any money? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of a commission to come down here and finish up the hearing of the Choctaw cases. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.



Jim Willis, et al., 6.

The Act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A Never did hear or see such a thing. I never did hear such a thing, and never did see such a thing as that.  
Q Do you know any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.  
Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of the appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.  
Q So far as you know, were all of your ancestors and all of your wife's ancestors, ever recognized members of the Choctaw tribe of Indians? A No.  
Q Did any of them ever receive any benefits as such? A If they did, I don't know it.  
Q Did any of them ever live in Indian Territory? except your father? A I don't know.  
Q Did you ever hear of any others living out there? A Never heard.  
Q Have you any brothers living? A No.  
Q Any brothers dead? A No.  
Q Have you any sisters living? A Aint got no full sisters, got one half sister.  
Q Where does she live? A Here in Leake County.  
Q What is her name? A Sillan.  
Q Is she married? A No.  
Q What is her other name? A Joshua.  
Q What kin is she to Sam Joshua? A Daughter of Sam Joshua.  
Q Her mother and your mother are the same woman? A Yes.  
Q Have you any sisters or half sisters dead? A Some died when they were little children.  
Q None of them left children? A No.  
Q Are any of your wife's brothers or sisters living? A Two brothers living.

Jim Willis, et al., 7.

Q What are their names? A Wilmond.  
Q What is the other name? A John.  
Q Wilmond and John Wilson? A Yes.  
Q Is that all? A Yes.  
Q Any brothers dead? A Yes, one dead.  
Q Thompson? A Yes.  
Q He didn't leave any family? A No, didn't leave any family.  
Q Has your wife any sisters living? A Three living.  
Q What are their names? A Jane.  
Q Jane what? A Jane Joshua.  
Q What's her husband's name? A Sam Joshua.  
Q What is the name of another one of your wife's sisters? A Dannie  
Q What's her husband's name? A Wilson. Betsey.  
Q What's the name of her other sister? A That's all I counted my  
wife.  
Q Has your wife any sisters dead? A Yes.  
Q How many? A Two.  
Q Did either of them leave children? A Yes.  
Q How many? A About five children.  
Q What was her name? The one that left five children? A Sophie,  
the wife of Smith Joshua.  
Q What are the names of these children? A Levisa.  
Q Asa another one? A Yes.  
Q Mattie? A Yes.  
Q What's the other one's name? A Charley.  
Q That's the youngest? A Yes.  
Q And there are just four of them, are there? A Just four living.  
Q With whom do these children live now? A All dead but one. The  
father and mother, and all children died but one.  
Q What child is it living? A Levisa.  
Q The oldest one? A Yes.  
Q Who does Levisa live with? A Wilson Betsey.  
Q When did these other children die? A One died this year, and  
another one died last winter.  
Q Who did they live with at the time of their death? A Wilson  
Betsey; mother died there to.  
Q What is the name of your wife's other sister who is dead? A Susan,  
wife of Dannie Billey.  
Q That all of your wife's sisters who are dead? A Yes.  
Q Are any of your father's brothers or sisters living? A Any of  
their children living? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their  
children living? A Brother living.  
Q What's his name? A Will's Sam.  
Q Where does he live? A Near Saint Anns.  
Q Wife Eliza? A Yes.  
Q Is that all of your mother's brothers who are living? A Yes.  
Q Any of your mother's brothers dead? A I don't know.  
Q Any of your mother's sisters living? A I don't know.  
Q Any dead? A I don't know.  
Q Any of your wife's father's brothers or sisters, or any of their  
children living? A I don't know.  
Q Are any of your wife's mother's brothers and sisters or any of  
their children living? A I don't know.

(This applicant has the appearance of being a full blood  
Indian. He speaks and understands the Choctaw language,

Jim Willis, et al.,8.

but very little English, the examination having been conducted entirely through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 19th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 24th day of December, 1901.

*L. B. Moody*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

TO ASSIST IN THE FIVE COUNTRIES FOR THE

In the case of the defendant of Ji Wanda, et al.,  
the defendant was released in 1970, C.R. 100.

P. I. S. I. H.

It is seen from the record herein that application for identification of Mississippi Lottery was made to this Commission on December 1, 1901, by Ed Willis, for himself, his wife Louisa Willis, and children Ed and Little Willis under the following provisions of the Act of Congress approved June 15, 1900 (36 Stat., 1400):

[illegible]

1. The first of these is the "National Conference on the Status of Women," which was held in Washington, D. C., in 1946. This conference was the first of a series of such conferences, and it was the first time that women from all over the country had gathered together to discuss their problems and to plan for the future. The conference was a success, and it led to the formation of the National Council on the Status of Women, which was the first of a series of such councils. The National Council on the Status of Women was the first of a series of such councils, and it was the first time that women from all over the country had gathered together to discuss their problems and to plan for the future. The conference was a success, and it led to the formation of the National Council on the Status of Women, which was the first of a series of such councils.

[illegible]

It is, therefore, the opinion of this Commission that Jim Willis, Louise Willis and Little Willis should be identified as Witnesses and it is so ordered.

*[Handwritten signature]*  
Commissioner.

FEB 14 1903

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jim Willis, his wife Louisa Willis and his minor child Lillie Willis as Mississippi Choctaw Indians under the provisions of the forty-first section of the Act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jim Willis, his wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

W. C. BONE

~~W. C. BONE~~ Chairman

M.C.R.4420.

COP

Muskogee, Indian Territory, March 11, 1903.

Jim Willis.

Saint Anns, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Louisa Willis, and minor child, Willie Willis, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1901, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Tulsa, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*James Ditty.*

Chairman.

Respected.

Dr. J. 4/20.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Lillie Nellis,*

as a child of

~~Nation.~~

Approved,

190

MISSISSIPPI CHOCTAW  
COMMISSIONER

Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
DEC 30 1901

*[Signature]*

*See Miss Cho Carol Gird No. 45*

*very much has*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

W. S. NEW

AN 738



Miss Choctaw, page No. 55

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CITIZEN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification  
I, *RE* Application for *Identification*, as a citizen of the *Nation*,  
of *Lillie Willis*, born on the *1<sup>st</sup>* day of *October*, 1901.  
Name of Father: *Jim Willis*, a citizen of the *Nation*.  
Name of Mother: *Louisa Willis*, a citizen of the *Nation*.  
Post-office, *St. Ann, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*State of Mississippi* District.  
*County of Leflore*

*Louisa Willis*, on oath state that I am *74*  
years of age and a *Full Blood* *Choctaw Indian* Nation;  
that I am the lawful wife of *Jim Willis*, who is a citizen of  
*Full Blood* *Choctaw Indian* Nation, that a *Female* child was  
born to me on the *1<sup>st</sup>* day of *October*, 1901; that said child has been  
named *Lillie Willis*, and is now living.

WITNESSES TO MARK

(Must be Two)

*E. M. Harrison*  
*H. A. Triplett*

*Louisa Willis*  
mark

Subscribed and sworn to before me this *28<sup>th</sup>* day of *December*, 1901.

*F. P. Triplett - J. P.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

*State of Mississippi* District.  
*County of Leflore*

*Jim Willis*, on oath state that I  
attended on Mrs. *Louisa Willis*, my wife,  
on the *1<sup>st</sup>* day of *October*, 1901; that there was born to her on  
said date a *Female* child; that said child is now living and *has* been  
named *Lillie Willis*.

WITNESSES TO MARK

(Must be Two)

*E. M. Harrison*  
*H. A. Triplett*

*Jim Willis*  
mark

Subscribed and sworn to before me this *19<sup>th</sup>* day of *December*, 1901.

*L. B. Maxley, Clerk*

*U. S. Circuit Court at St. Louis, Mo.*

*By J. B. Maxley, Clerk*

For Identification as a Mississippi Choctaw.  
Carthage Miss.

Name Miss L. L. ...  
Age 24

Place of birth Vant Clarks, Miss.  
Father James Willis 7 L  
Mother V. H. " d

Both parents  
wife Louisa Willis (Wife) 24  
Father John Wilson (Wife) ...  
Mother ...

Lillie Willis

...

im Wille. 12.

Choctaw MCR 4421

Amos York

MCR 4421

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER OF THE LAND CIVILIAN SERVICE.

---000---

In the matter of the application of Moses Yon, et al.,  
for identification as Mississippi Choctaws, N. S. 4821.

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COPIES OF THE IV INTERVIEW

-c-

In the matter of the application of Mrs. York, et al.,  
for identification as Mississippi Choctaws, No. 4411.

-c-

---:I N T E R V I E W:---

-c-

Original application of Mrs. York, et al., for  
identification as Mississippi Choctaws,-----

Decision of the Commission identifying the above  
applicant,-----

-c-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 20, 1901.

In the matter of the application of Amos York for the identification of himself and one minor child, Bettie Lee, as Mississippi Choctaws.

Amos York, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Amos York.  
Q How old are you? A Twenty two.  
✓ Q How much Choctaw blood have you? A Full blood, I reckon.  
✓ Q Full blood Choctaw? A Yes.  
Q What is your post office address? A Thomastown.  
Q Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake County? A Twenty two years.  
Q Lived here all your life? A Yes.  
✓ Q Is your father living? A Yes.  
✓ Q What's his name? A Rufus York.  
Q Where does he live? A He lives down at Thomastown.  
✓ Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived in the State of Mississippi? A Yes.  
Q Has he a Choctaw name? A Yes.  
Q What is it? A No, aint got none.  
Q About how old a man is your father? A About fifty, I reckon.  
✓ Q Is his father living? A No, he died up in Territory.  
✓ Q What was his name? A Tom York.  
Q How long has he been dead? A Been dead about two years.  
Q When did he go to the Territory? A About ten years ago.  
Q Did he live in Leake County all his life until he went there?  
A Yes.  
✓ Q He was a full blood Choctaw, was he? A Yes.  
Q Did he have a Choctaw name? A No.  
Q Do you know whether he was ever admitted to citizenship out there in the Choctaw Nation, or not? A No.  
Q Do you know the name of his father, or his mother? A No, don't know.  
Q How old a man would Tom be if he were living now? A About sixty.  
Q Be a little more than that, if your father is fifty, wouldn't he?  
A Maybe more.  
✓ Q Is your father's mother living? A Yes.  
✓ Q What's her name? A I don't know what his name.  
Q Where does she live? A She lives in Territory.  
✓ Q Is she a full blood Choctaw? A Yes.  
Q Do you know whether she has ever been admitted to citizenship out there? A I don't know.  
Q How old do you think she is? A She is pretty old, but I don't know.  
Q How long has she lived out there? A In the Territory?  
Q Yes? A About ten years.

Amos York, et al., 2.

- Q Where did she live before that? A Here in Leake County.
- ✓ Q Is your mother living? A Yes.
- ✓ Q What's her name? A Malissa.
- Q Where does she live? A She live in Leake County.
- ✓ Q Is she a full blood Choctaw? A Yes.
- Q Has she always lived here in Mississippi? A Yes.
- Q Has she a Choctaw name? A No.
- Q Is she older or younger than your father? A Younger.
- Q Is her father living? A No.
- Q What was his name? A I don't know.
- Q Is Malissa's mother living? A No.
- Q What was her name? A I don't know.
- ✓ Q You don't know the name of any one of your mother's ancestors, then? A No, I don't know.
- ✓ Q Have they all been full blood Choctaws? A Yes.
- Q Always lived here in Mississippi? A Yes.
- Q Are you married? A Yes.
- ✓ Q Wife living? A Yes No.
- ✓ Q What was her name? A Sealy.
- Q How long has she been dead? A Nearly two years.
- ✓ Q Was she a full blood Choctaw? A Yes.
- Q Were you married to Sealy under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long did you live with her? A Nearly two years.
- Q Did you live together until she died? A Yes.
- Q Did she always live here in Mississippi? A Yes.
- ✓ Q Is her father living? A Yes.
- Q What's his name? A I don't know what his name.
- Q Where does he live? A He live in Leake County.
- Q You don't know his name? A Little Willis.
- Q That all the name he has? A Yes.
- ✓ Q Is he a full blood Choctaw? A Yes.
- Q What part of Leake County does he live in? A Lives close to Saint Anns.
- Q Has he always lived here in Mississippi? A Yes.
- Q Is his father living? A No.
- ✓ Q Is his mother living? A Yes, she living.
- ✓ Q What's Little Willis' mother's name? A I don't know - Sally.
- Q Sally Sam? A That's all I heard.
- ✓ Q Sally a full blood? A Yes.
- Q Has she always lived here in Mississippi? A Yes.
- ✓ Q Is your wife's mother living? A Yes.
- Q What's her name? A I don't know.
- Q Did you ever see her? A Yes.
- ✓ Q Is she a full blood Choctaw? A Yes.
- Q Do you know the name of her father? A No.
- Q Or her mother? A No.
- Q You don't know, then, the name of any one of her ancestors?
- A No.
- Q About how old is Sally, Little Willis' mother? A I don't know; pretty old.
- Q Can't give us an idea about how old? A About sixty or seventy somewhere along there; seventy I reckon.
- Q The only ones of your wife's ancestors then whose names are known to you are Little Willis and his mother, Sally? A Yes.
- Q Have you any children living? A Yes.
- Q How many? A One.
- Q What's that child's name? A Bettie Lee.
- Q How old is Bettie Lee? A She was born in August 1899, over 2 years



Amos York, et al., 3.

- Q That child living with you now? A Yes.
- Q Is she the child of yourself and Sealy York? A Yes.
- Q Full blood Choctaw, then? A Yes.
- Q This application, then, is for yourself and one minor child, is that correct? A Yes.
- Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory, your name, or your wife's name? A No.
- Q Did you ever make application to the Choctaw tribal authorities for yourself or wife to be admitted or enrolled as members of that tribe, or did any one else ever make such an application for you? A No.
- Q Did you, or any one for you, or your wife, or any one for her, in the year 1890, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1890? A No, didn't.
- Q Have you ever made any application of any description before to-day, or has any one else ever made such an application for you?
- A No, pa did for me.
- Q At Carthage, three years ago? A Yes.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, by Rufus York for the identification of this applicant, and his wife, Sealy, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 23; also, upon page 37 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 89 and 90, respectively, thereon.

- Q At the time application was made for the applicant, three years ago his name was recorded as Aaron, and it so appears upon Card 23, and page 37 of the Schedule? A Yes.
- Q You never had a brother by the name of Aaron, did you? A No.
- Q Did you ever hear of any Choctaw in this county by the name of Aaron York? A No, sir.
- Q Is your wife, Sealy, living now? A No.
- Q When did she die? A Been dead nearly two years.
- Q It will be two years in January? A Yes.
- Q Is this application made for you three years ago, the only application of any kind that has ever been made for you? A Yes, that's the only application.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of

Amos York, et al., 4.

the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to move from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, and for the benefit of those who did not want to move out there, what was known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi might remain here and receive land from the Government here in Mississippi.

- Q Are you familiar with that 14th article, and do you understand it thoroughly? A Yes.
- Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of that article or ever receive any benefits thereunder? A No, I don't know.
- Q Did any of them own an improvement here at the time that treaty was made? A I don't know.
- Q Did any of them live here at that time? A I don't know.
- Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know whether they did or not.
- Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
- A I don't know.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the Government here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Any of them claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know.
- Q Did you ever hear of any of your ancestors or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government of the United States? A Never did hear.
- Q Or any money? A No, never heard.
- Q Did you ever see, or hear of, any deed or patent, issued to any of your ancestors, or any of your wife's ancestors by the Government of the United States covering land here in Mississippi? A Never did see or hear.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent

Amos York, et al., 5.

failed to register and report to the Government, the names of many Indians who did in fact let him know that they wanted to stay here and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these cases. This commission was appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases; ~~didxangxuf~~

Q Did any of your ancestors, or any of your wife's ancestors, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q You never saw or hear of any of this scrip did you? A No.

Q Do you know any old person living who would likely know whether any of your ancestor, or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any

Amos York, et al., 6.

benefits thereunder? A I don't know any old person that would know about that.

Q Have you any witnesses here to-day? A No.

If you should discover any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time? A No.

Q Do you know whether any of your ancestors, or any of your wife's ancestors were ever recognized members of the Choctaw tribe, or ever received any benefits as such? A I don't know.

Q Have you any brothers living? A No.

Q Have you any brothers deceased? A No.

Q Have you any sisters living who are of age? A One.

Q What is her name? A Ara Ann Sweeney, the wife of Robert Sweeney.

Q What are the names of your brothers and sisters who are under age? A Ida, Jamison and Annie.

Q Has your wife any brothers living? A No.

Q Any sisters living? A One sister living.

Q What's her name? A Liss.

Q Is she married? A No.

Q With whom does she live? A Her father.

Q Has your wife any sisters dead? A No.

Q Any brothers dead? A Yes, one dead.

Q How old was he when he died? A About twenty.

Q Was he married? A Yes.

Q Did he leave any children? A No.

Q Are any of your father's brothers or sisters living? A Yes, brothers living.

Q What is his name? A Dixon.

Q Dixon Willis? A No, Dixon York.

Q Where does he live? A Atalla County.

Q Is that the only brother your father has living? A Some more.

Q What are their names? A Sampson.

Q Sampson York? A Yes.

Q Where does he live? A He lives in Territory.

Q Has he any other brothers living? A Yes.

Q How many? A One more.

Q What's his name? A Charlie.

Q Where does he live? A In the Territory.

Q How long have those brothers lived out there? A About ten years.

Q Has your father any brothers dead? A No.

Q Has he any sisters living? A No.

Q Any sisters dead? A No.

Q Are any of your mother's brothers or sisters, or any of their children living? A One brother living.

Q What is his name? A Nicholas Charless.

Q Where does he live? A Kosciusko.

Amos York, et al., 7.

- Q Is he a full blood Choctaw? A Yes.  
Q He has been before the Commission this year, has he? A I don't know.  
Q Has she any other brothers living? A No.  
Q Any sisters living? A No.  
Q Has your mother any brothers or sisters dead? A Yes.  
Q Did any of them leave children? A No.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know.

(This applicant appears to be a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Natchez, Mississippi, this 24th day of December, 1901..

*L. L. Moody,*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By

*[Signature]*

Deputy.

P. C. R. 4421.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
March 7, 1903.

In the matter of the application of Amos York for the identification of himself and his one minor child, Bettie Lee York as Mississippi Choctaws.

Applicants represented by J. T. Bates, Attorney, Ardmore, Indian Territory.

Amos York, being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q That is your name? A Amos.  
Q Amos York? A Yes, sir.  
Q How old are you? A About twenty-two.  
Q Are you the identical Amos York, who on December 20, 1901, appeared before this Commission at Carthage, Mississippi, and there made application for the identification of yourself and your one minor child, Bettie Lee York, as Mississippi Choctaws?  
A Yes, sir.  
Q Is Bettie Lee York now living? A Yes, sir.  
Q What is your present post office address? A Marlow, Indian Territory.  
Q When did you remove from the state of Mississippi to Indian Territory?  
A Three weeks ago.  
Q Three weeks ago? A Yes, sir.  
Q Is your child, Bettie Lee York, living with you at Marlow, Indian Territory?  
A Yes, sir.  
Q Did you remove from the state of Mississippi to the Indian Territory, for the purpose of making this your permanent home?  
A Yes, sir.  
Q When you removed from the state of Mississippi to Indian Territory, did you bring your house-hold goods and personal effects with you that you had owned on Mississippi?  
A No.  
Q What did you do with them?  
A I did not have anything but a little house plunder and I brought that with me.  
Q How much of a residence have you established at Marlow?  
A I live with my father, Rufus York.  
Q Do you rent land there or own it?  
A Bought the improvements.  
Q Did you buy these improvements?  
A The man that brought us us here bought them for us.  
Q How far are these improvements from the town of Marlow, Indian Territory?  
A About four miles.

Amos York 2 "

- Q Of what does these improvements consist ? A. House, crib, stables, corn and everything.  
Q Are you the son of Rufus York ? A. Yes, sir.  
Q And you live there on the same place with Rufus ? A. Yes, sir.  
Q And you have not bought any separate improvements from that of your father ? A. No, sir.

-:-

Fred V. Kinkade, being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause taken on the 7th day of March, 1903, at Muskogee, Indian Territory, and that the above and foregoing is a true, full and correct transcript of his stenographic notes as taken therein.

*Fred V. Kinkade*

Subscribed and sworn to before me this 7<sup>th</sup> day of March, 1903.

*Charles McLawrence*

Notary Public.

... .. (, ... ..

— : 5 H 0 3 4 . : —

"That the Commission shall have authority to determine the identity of those individuals claiming rights in the Cession lands under article 10 of the said Treaty to be taken the said States of the Cession, and, concluded, etc. or their revert, or their heirs and assigns, and to take any and all necessary steps, and to do whatever, in person, or otherwise, necessary thereto, and to refer to the Secretary of the Interior."

See in early form of the act of Congress, entitled "An Act  
to regulate and confirm the proceedings of the Cherokee and Chickasaw  
tribes of Indians, in their civil cases", approved July 19, 1793,  
(Stat. at Large, 641), now reprinted by the Cherokee and Chickasaw Nations  
at Fort Smith, Ark., 1891, under the title:

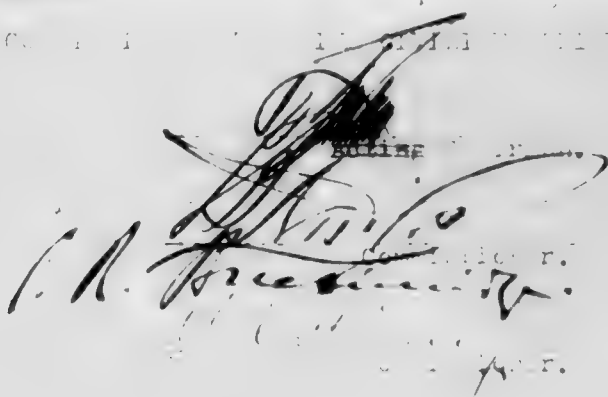
1. The Commission shall have the right to receive any and all information from the Government, its agencies, or its personnel, which is necessary for the proper administration of the Commission's duties. This right shall include the right to receive any and all information, whether or not such information is in the possession of the Government, its agencies, or its personnel, which is necessary for the proper administration of the Commission's duties. This right shall include the right to receive any and all information, whether or not such information is in the possession of the Government, its agencies, or its personnel, which is necessary for the proper administration of the Commission's duties.



who received a patent to land under the said fourth article of the said treaty of 1825, or hundred and thirty who did not move to and make bona fide settlement in the said territory prior to June twenty-eighth, or at any time prior to said date, shall be entitled to be listed in the said treaty, entitled to the benefit of the said fourth article of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to the distribution of the said lands, but this direction of provision shall be subject to the contrary evidence and shall not be invocable by or operate to the advantage of any applicant who is not a Chickasaw of the said tribe, or who is not the descendant of a Chickasaw of the said tribe, or who is otherwise barred from the right of citizenship in the Chickasaw Nation, all of said "Chickasaws" not so enrolled by the said Commission shall be upon the said "free roll."

And, further, the opinion of this Commission that the work and entries of the said Commission shall be subject to the review and correction of the said Commission.

Given under the great seal of the said Nation, this 1st day of July, 1903.

  
C. A. Foreman, Secretary.

Witness my hand and the seal of the said Nation, this 1st day of July, 1903.

JUL 8 1903

Muskogee, Indian Territory, July 8, 1903.

Rufus York,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 28, 1903, in which you ask that certain land be held for you. You are advised that your letter has been referred to the land office at Muskogee, Indian Territory.

You also asked in your letter if Amos York and child had been identified, and you are informed that the Commission, on this date, rendered its decision identifying Amos York and his minor child Bettie Lee York as Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 8, 1903.

Amos York,

Thomastown, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered July 8, 1903, identifying yourself and your minor child, Bettie Lee York as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-chickasaw country, Indian territory, before January 8, 1904, you will have six months from that date or until July 8, 1904, within which to make proof of such removal and settlement at the office of the commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

respectfully,

T. E. Hodges.

Commissioner in Charge.

Registered

Enc. 4421

W.C.P. 4421

COPY.

Muskogee, Indian Territory, July 8, 1903.

Mansfield, Monmurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered July 8, 1903, identifying Amos York, and his minor child, Bettie Lee York as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Amos York and his child as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*T. D. Needles.*

Commissioner in Charge.

Registered.

Enc. 4421.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

20

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Bettie Lee Ford*

Enrollment

IDENTIFICATION AS  
MISSISSIPPI CHOCTAW

Approved,

Nation

190

Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
DEC 20 1901

*See Miss Choctaw Field No 23*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

BIRTH AFFIDAVIT.

20  
A FORM FOR THE CHIEF OF BUREAU

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Identification*  
IN RE Application for *Identification* as a citizen of the *Nation*.  
of *Bettie Lee York*, born on the *thirteenth* *August*, 1899.  
Name of Father: *Amos York*, a citizen of the *Nation*.  
Name of Mother: *Sealy York*, a citizen of the *Nation*.  
Post-office: *Thomastown, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*State of Mississippi*  
*County of Leake*

*Amos York*, on oath state that I am 22  
years of age and a *full blood* *Choctaw Indian*  
*who is a citizen, by*  
*the laws of the United States*, that a *female* child was  
born to *my deceased full blood Choctaw wife, Sealy York*,  
*during August* 1899; that said child has been  
named *Bettie Lee York*, and is now living.

WITNESSES TO MARK

(Must be Two)

*Amos York*  
*Wm. L. Emerson*  
*R. S. Greer*

Subscribed and sworn to before me this *20th* day of *December*, 1901.

*L. B. Mosley, Chd.*  
*U. S. Agent, Choctaw District of Mississippi*  
*By J. M. [Signature]*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

INDIAN TERRITORY.

District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1901; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
named \_\_\_\_\_.

WITNESSES TO MARK

(Must be Two)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

son Amos York

age 22, 1/2

born in Hematow, Miss.

Father & Mother York

Mother Malissa

wife Mary York

Father  
Mother

Children

Bellie L. York

2 yr.

Stenographer

R. S. Street

<sup>18</sup>Amos York et al

1212

442



Choctaw MCR 4422

Jim Sam.

MCR 4422

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- 306 ---

In the matter of the application of Jim Sam for identification as a Misdissipi Choctaw, N. N. N. 4422.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- -oOo-----

In the matter of the application of Jim Sam for identification as a Mississippi Choctaw, M.C.R. 4432.

-----cOo-----

I N D E X

- ---cOo- ..

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE NINE CIVILIZED TRIBES.

-----oCo-----

In the matter of the application of Jim Sam for identification as a Mississippi Choctaw, No. 4422.

-----oCo-----

Witness are ordered to the Secretary of the Interior with record in the above case.

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	Page
Original application of Jim Sam for identification as a Mississippi Choctaw,-----	1
Decision of the Commission identifying the above applicant,-----	7

-o-

Copy of testimony given by the applicant Jim Sam  
before the Commission during its appointments in the  
state of Mississippi in January and February, 1899.

---oCo---

Jim Sam, the applicant, after being duly sworn by  
Commissioner McKeon, testifies as follows: I am 42 years  
old. Am full blood Choctaw. My wife is a full blood named  
Betsie, aged about 45. We have no children. I don't know  
anything about my grandparents.

44221

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 20th, 1901.

In the matter of the application of Jim Sam for the identification of himself as a Mississippi Choctaw.

Said Jim Sam, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Jim Sam.  
Q How old are you? A Forty-five years old.  
Q Are you a full blood Choctaw? A Yes sir.  
Q What is your postoffice address? A Carthage, Mississippi.  
Q How long have you lived in Leake County? A All my life.  
Q Is your father living? A No sir.  
Q What is his name? A His name Jim Sam too.  
Q Did he have a Choctaw name? A I don't know.  
Q Have you a Choctaw name? A No.  
Q Was your father a full blood Choctaw? A Yes sir.  
Q Did he always live in the State of Mississippi? A Yes sir.  
Q Do you know the name of his father? A His father's name was Sam.  
Q Is that the only name he had that you know of? A That's all I knowed anything about.  
Q Did you ever see your father's father? A No.  
Q You know nothing about him but you have heard that his name was Sam? A Yes.  
Q Did your father and his father always live here in this State?  
A So far as I know, they did.  
Q Do you know the name of your father's mother? A Well, I forgot it.  
Q Did you ever see her? A Yes, I seen her when I was a little kid.  
Q Was she a full blood Choctaw? A Yes.  
Q What was the name of your mother? A Lucy, I think.  
Q Do you remember your mother? A No sir, I was little bit of boy when she died.  
Q Was she a full blood Choctaw? A That is what they say--I don't know.  
Q Do you know whether she always lived here in the State of Mississippi? A She died here--that is all I know.  
Q How old do you think your father and mother would be if they were living now? A I don't know.  
Q Do you know the name of your mother's father? A No sir.  
Q Or of her mother? A No sir, I don't know.  
Q Did you ever hear of any of your ancestors ever having lived in Indian Territory? A No sir.  
Q Always lived here in Mississippi? A Yes sir.  
Q And so far as you know, they have all been full blood Choctaws, have they? A Yes, that's what they say.  
Q Are you married? A Yes.  
Q Is your wife living? A No sir.  
Q Have you any children living? A No sir.  
Q This application, then, is for yourself only, is it? A That's all.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No, I don't know anything about it.

Jim Sam--2

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as members of that Tribe? A No.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896--that was five years ago? A No, I went before McKennon.

Q Have you made any application at any time before today? A About three years ago I went in my name to the Lawes Commission at Carthage.

The records of the Commission show that on the 25th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself and his wife Betsie as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 59, also upon page 42 of the schedule of Mississippi Choctaws annexed to the Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 216 and 217 respectively thereon.

Q Your wife was living at the time you appeared before the Commission three years ago? A Yes.

Q When did she die? A The 7th of this month.

Q Is this application made by you three years ago to the Commission the only application of any kind that has ever been made for you?

A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians--that was 71 years ago. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from this country to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. An article is a part or subdivision of a treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not go out to the new country, might do so and that he might in case he stayed here, receive land from the Government.

Q Do you understand that 14th article thoroughly? A No sir.

It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A I don't know.

Q Do you know whether any of your ancestors owned an improvement here at the time this treaty was made, 71 years ago? A I don't know that.

Q Whether any of them were living here at that time? A I guess they did. That is the reason I am here. If they hadn't have been living here I wouldn't have been here.

Q You don't know about that, then? A No, I don't know about that.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You are pretty sure about that, are you? A Yes sir, I don't know anything about it.

Q Did any of them ever receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A No sir.



Q Did you ever hear of any of them ever having gotten any money from the Government? A No.

Q Now, how many of your ancestors were ever recognized members of the Choctaw Tribe of Indians? A Well, I call them-sever Choctaw Indians, that is all I know.

Q You don't know whether they were recognized members of the Tribe, or not? A No.

Q Or whether they ever received any benefits as such? A No. I don't know.

A According to the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they did want to stay here and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in 1837 and 1838 and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1836, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases, so it became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings. So another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

This act of Congress approved August 23, 1842, nearly 60 years ago, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, that is that he had done everything that that

14th article said that he should do, but that his land had been sold by the Government, he should be entitled to select, in place of the land that had been sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Did you ever hear of that scrip before? A No.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't know anybody that could.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th next, or within a reasonable time at the general office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors by the Government covering land here in Mississippi? A No.

Q Are there any further statements that you would like to make in support of your application? A I don't know of anything.

Q Have you any brothers living? A No sir.

Q Have you any sisters living? A No sir.

Did you ever have any brothers or sisters? A Yes, they all died.

Q Did any of them leave children? A No.

Q Are any of your father's brothers or sisters living? A Well, my father's sister is living in reckon in Veshoba.

Q What is her name? A Martha Jacobs.

Q Is she a full sister of your father's? A That's what they say.

Q Has your father any brothers living? A Yes.

Q What is his name? A Ellis Sam.

Q He lives in Leake County, does he not? A Yes sir.

Q Has your father any half brothers living? A Yes sir, two.

Q What are their names? A Madison Ben and Peter Ben.

Q Has your father any brothers or half brothers dead? A No.

Q Has your father any sisters dead? A No sir.

Q Any half sisters dead? A I don't know about that.

Q Are any of your mother's brothers living? A No sir.

Q Are any of the children of any of them living? A No sir.

Q Are any of your mother's sisters living? A No sir.

Q Are any of their children living? A No sir.

This applicant has the appearance of being a full blood

Jim Sam---6

Indian. He speaks and understands the Choctaw language and also speaks and understands English well, the examination having been conducted almost entirely in English.

-----

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 20th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Miles*  
Subscribed and sworn to before me this the twenty-first day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Copy of testimony given by the applicant Jim Sam  
before the Commission during its appointments in the  
state of Mississippi in January and February, 1899.

-----oOo-----

Jim Sam, the applicant, after being duly sworn by  
Commissioner McKennon, testifies as follows: I am 42 years  
old. Am full blood Choctaw. My wife is a full blood named  
Betsie, aged about 45. We have no children. I don't know  
anything about my grandparents.

*Indian Territory*  
~~STATE OF MISSISSIPPI~~ )  
*Central District* ) ss:  
~~COUNTY OF~~ )

On this 2nd day of May, 1903, personally appeared before me, the undersigned, a duly appointed and acting notary public, Jim Sam, who being first duly sworn upon his oath testifies as follows:

Q State your name, age and postoffice address?

A Jim Sam, 21 years of age, residing at the residence of Mr. B. Chapman, Indian Territory.

Q Are you the identical Jim Sam who appeared before this Commission at Carthage, Mississippi, December 20, 1901, and made application for identification as a Mississippi Choctaw?

A Yes.

Q What was your father's name?

A John Sam.

Q Is he living or dead?

A Dead.

Q Was he a full blood Choctaw Indian?

A Yes.

Q What was your mother's name?

A I do not remember my mother's name after she was born.

Q Is she living or dead?

A Dead.

Q Was she a full blood Choctaw Indian?

A I do not remember of her being one.

Subscribed and sworn to before me this 2nd day of May, 1903, at Ottawa, Okla. ~~Mississippi~~.

*A. H. McDaniel*

Notary Public.

COPIES FOR THE IN CHARGE, FBI

$$\cdots \rightarrow C' \rightarrow C \rightarrow \cdots$$

In the matter of, the application of JIN SHI for identification of a certain individual, C. . . 4444.

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It is also noted that the record is not at all complete or  
 1. The following is a list of the records which were found in the Division  
 on 10-10-1964, 11-10-1964, 12-10-1964, or 1-10-1965, under the following  
 provision of the Act of Congress: "From 1940 to 1960, (10 Stat.,  
 496);

"The 'No Union' line was a direct contradiction of the ideology of 'open India', a guiding principle in the 'Growth Under Article 19' phase of the treaty relations between Canada and the Government of India, concluded by the Government, Secretary of External Affairs, in 1957, and the Government of India in 1958, and in 1959, and in 1960, and in 1961, and in 1962, and in 1963, and in 1964, and in 1965, and in 1966, and in 1967, and in 1968, and in 1969, and in 1970, and in 1971, and in 1972, and in 1973, and in 1974, and in 1975, and in 1976, and in 1977, and in 1978, and in 1979, and in 1980, and in 1981, and in 1982, and in 1983, and in 1984, and in 1985, and in 1986, and in 1987, and in 1988, and in 1989, and in 1990, and in 1991, and in 1992, and in 1993, and in 1994, and in 1995, and in 1996, and in 1997, and in 1998, and in 1999, and in 2000, and in 2001, and in 2002, and in 2003, and in 2004, and in 2005, and in 2006, and in 2007, and in 2008, and in 2009, and in 2010, and in 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From the above, it is seen that the above mentioned  
information is not sufficient to determine the exact date of the  
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COMMISSIONER  
TAMM  
DEPARTMENT OF THE INTERIOR  
WASHINGTON  
D. C.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 7, 1903.

William C. Hall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division.

Dear Sir:-

There have been transmitted to the Mississippi Choctaw Local Department for the preparation of a decision on application No. 4422, bearing the name of Jim Sam, an individual application for the identification of himself as a Mississippi Choctaw. A decision was prepared in this case identifying the applicant as a full blood Mississippi Choctaw upon the statement made by him that he was a full blood, and was fitted to the Commissioners for signature, but it was returned for the reason that the applicant was not certain as to the blood of his mother.

The records of the Commission show that sometime during the months of January or February, 1899, the applicant Jim Sam made application before the Commission and testified that he was a full blood, but made no statement as to the blood of his parents. A copy of this testimony has been made a part of the record in application No. 4422, but throws no additional light upon the blood of the applicant's parents, and as the Commission has seen fit to withhold its signature to the decision identifying said applicant for the reason that said evidence was lacking, it will be necessary to send out a blank affidavit, in order to secure same. The



record in this case is therefore returned to the files for such action as may be deemed necessary.

Respectfully,

*Chas von Weiz*

M.C.R. 4422.

Muskogee, Indian Territory. April 11, 1903.

Jim Sam,

Carthage, Mississippi.

Dear Sir:

It appears from our records that on December 23, 1901, you appeared before the Commission at Carthage, Mississippi, and made application for identification as a Mississippi Choctaw.

From your testimony taken at that time the Commission is unable to determine whether or not you are a full blood Choctaw. For the purpose of obtaining this information, there is enclosed you herewith a blank affidavit in interrogatory form, which you are requested to take before a notary public and answer under oath the questions therein propounded, returning the affidavit to this Commission when properly executed in the enclosed self-addressed envelope.

This matter should receive your immediate attention as no further steps can be taken in the matter of your application for identification as a Mississippi Choctaw until this affidavit is returned.

Respectfully,

Enc.  
Enc B I 28-14.

Chairman.

M C R 4422

Muskogee, Indian Territory, May 6, 1903.

Jim Sam,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit, in interrogatory form, offered in support of your application for identification as a Mississippi Choctaw. The same has been filed with the record in your case.

Respectfully,

Chairman.

COPY.

M.C.R. 4422

Muskogee, Indian Territory, July 21, 1903.

Jim Sam,

Atoka, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 21, 1904, you will have six months from that date or until July 21, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

Enc. 4422

Muskogee, Indian Territory, July 21, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying Jim Sam as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jim Sam as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Commissioner in Charge.

Enc. 4422

#1570

No

4122

For Identification as a Mississippi Choctaw.

Carthage Miss

Sam Sam Sam

no 457 1000

Carthage, Miss

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Am Sam

Choctaw MCR 4423

Levisa Joshua

MCR 4423



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---000---

In the matter of the application for the identification  
of Levine Jordan, as a Disarmed Shooter, T.O.S. 4423.

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DEPARTMENT OF THE INTERIOR.

OFFICE OF THE COMMISSIONER OF THE CIVIL SERVICE.

----- (2) -----

In the matter of the application for the identification  
of Lewis John and Miss Missi Gleeton, No. 4413.

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	Page.
Original application of Lewis John for identification of Miss Missi Gleeton,-----	1
Decision of the Commission is affixed to the original,-----	7

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222

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 21st, 1901.

In the matter of the application of Wilson Betsey for the identification of his minor niece, Levisa Joshua, as a Mississippi Choctaw.

Said Wilson Betsey, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Wilson Betsey.  
Q How old are you? A About thirty-one years old.  
Q What is your postoffice address? A Carthage, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q Have you always lived here in Leake County? A Yes.  
Q You appeared before the Commission here at Carthage, Mississippi, last May and made application for the identification of yourself, wife and three minor children, did you not? A Yes.  
Q Have you a child living with you by the name of Levisa Joshua?  
A Yes.  
Q How long has she lived with you? A A year ago the 3rd of last July.  
Q About how old is this child? A About twelve years old.  
Q How much Choctaw blood has she? A Whole blood Choctaw.  
Q Is her father living? A No.  
Q What was his name? A Smith Joshua.  
Q Was he a full blood Choctaw? A Yes.  
Q Always lived here in Mississippi? A Yes.  
Q How long has he been dead? A About four years.  
Q Do you know the name of his father? A Simon Joshua.  
Q Is Simon Joshua living? A Yes.  
Q Is he a full blood Choctaw? A Yes.  
Q Where does he live? A Lives at Red Water.  
Q In Leake County? A Yes.  
Q Is Smith's mother living? A Yes.  
Q What is her name? A Lucy.  
Q She is a full blood and has always lived in Mississippi, you are sure? A Yes.  
Q Do you know the name of Lucy's father or mother or Simon's father or mother? A Simon's father was Joshua.  
Q Did he have any other name? A I don't know.  
Q Is he living? A No.  
Q Was he a full blood Choctaw? A I suspect so.  
Q Did you ever see him? A No.  
Q Is Levisa's mother living? A No.  
Q What was her name? A Sophia Joshua.  
Q Was she a full blood Choctaw? A Yes.  
Q How long has she been dead? A A year ago last October.  
Q Do you know the name of Sophia's father? A Yes.  
Q What was his name? A Wilson.  
Q What is her name? A John Wilson.  
Q Is he living? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q Have a Choctaw name? A Yes.  
Q What was it? A That's all, I think.

Levisa Joshua--2

- Q Did he always live in Mississippi? A Yes.
- Q How old do you think he would be if he were living now? A I don't know.
- Q Do you know Sophia's mother's name? A Yes.
- Q What is her name? A Martha.
- Q Is she living? A Yes.
- Q Where does she live? A Near Ofahoma.
- Q Is she a full blood Choctaw? A Yes.
- Q What other name has she besides Martha? A That's all, I think.
- Q Is she married now? A Yes.
- Q What is her husband's name? A David Stoliby.
- Q Do you know John Wilson's father's or mother's names? A No.
- Q Do you know Martha's father's name? A No.
- Q Or her mother's name? A No.
- So far as you know, have all of the ancestors of Levisa Joshua been full blood Choctaws? A Yes.
- Q And they have always lived in the State of Mississippi, have they? A Yes.
- Q What kin is Levisa to you? A She is the daughter of my wife's sister.
- Q Have you been a pointed legal guardian for her or is she just living in your family? A Yes, I and my wife are guardian for her.
- Q Have you been a pointed guardian by the court for her? A No.
- Q You mean, then, that you and your wife are looking after her, do you? A Yes.
- Q You expect to raise her and care for her the same as you would one of your own children, do you? A Yes.
- Q Was her mother living at your house at the time of her death? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming right in the Choctaw lands in Indian Territory for this child under article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q Has any other application been made for this child this year before the Commission? A No.
- Q Why is it that at the time you gave in the names of yourself and family at Carthage in May, last, you did not give in the name of Levisa Joshua? A Winton got my contract for this child and said it wouldn't be necessary to give in to Commission and I thought that was all right after the child's name was on contract. I thought it was the same thing.
- Q Is the name of this child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Was application ever made to the Choctaw Tribal authorities in Indian Territory in behalf of this child to be admitted or enrolled as a member of that Tribe? A I don't know.
- Q Was any application made in her behalf to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I don't know about that.
- Q Has any application ever been made in behalf of this child before today? A I don't know, her father might have given her name to the Commission three years ago he was living at that time.

The records of the Commission show that on the 25th day of January 1899, application was made by Smith Joshua for the identification of himself, his wife Sophia and three

Levisa Joshua--3

children, Levisa, Asa and Mattie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card field No. 90, and also upon page 46 of the schedule being numbers 326, 327, 328, 329 and 330, respectively thereon.

- Q Did Levisa have a brother named Asa? A Yes.  
Q Is that child living? A No, dead.  
Q Did she have ~~any~~ sister by the name of Mattie? A Yes.  
Q Is that child living? A No, dead.  
Q All of this family then, except Levisa, are now dead? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made ~~some~~ of the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not go out to the new country, might do so and might receive land here in Mississippi from the Government.

- Q Do you understand that 14th article? A Yes.  
Q Did any of the ancestors of Levisa Joshua ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A I don't know.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.  
Q Did any of them live here at that time? A If they did, I don't know.  
Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.  
Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the ~~time~~ time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.  
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens and take land? A If they did, I don't know.

Levisa Joshua---4

Q. Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A. I don't know. Never did hear anybody talk about it.

Q. Did you ever hear of any of her ancestors ever getting any land here in Mississippi under any other article of the treaty or under the supplement to the treaty? A. I don't know.

Q. Did any of them ever get any money from the Government that you know of? A. I don't know.

Q. Do you know whether any of them ever got any land here in Mississippi from the Government? A. I don't know anything about it.

Q. Did you ever see or hear of any deed or patent issued to any of the ancestors of Levisa Joshua covering land here in Mississippi received from the Government? A. Never did see or hear of it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they did want to stay here and on that account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they suppose they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1846, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions whereby the remainder of these Choctaws might be given hearings, so another act was passed which was approved on the 23rd day of August, 1846, providing for the appointment of another Commission to come down here to Mississippi and hear the cases of the remainder of these Choctaws. This Commission was appointed by the President of the United States and the Commissioners came down here on the forties and heard a great many more of these Choctaw cases.

Levisa Joshua---5

Did any of the ancestors of Levisa Joshua appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of the ancestors of Levisa Joshua ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q So far as you know, then, none of her ancestors ever received any benefits as Choctaw Indians? A No.

Q And none of them were ever recognized members of the Tribe? A No.

Q Do you know any old person living who would likely know whether any of the ancestors of Levisa Joshua ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any.

Q Have you any witnesses here today whose testimony you desire to introduce in support of this application? A No.

If you should find any witnesses whose testimony you desire to have taken in support of the application of Levisa Joshua, they may appear before the Commission at any one of its appointments here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make in support of this application? A No.

Q Are any of Smith Joshua's brothers or sisters living? A No brother living, but two sisters.

Q What are their names? A Jennie, the wife of Stephen Gibson.

Q What is the name of the other sister who is living? A Rosie Allen, the wife of Newton Allen.

Q Has he any brothers or sisters dead? A I don't know.

Q What is the name of your wife? A Nannie.

Q Are any of Sophia's brothers or sisters except your wife living?

A Two brothers living.

Q What are their names? A Will Wilson.

Q Where does he live? A Close to Okfuskee.

Q Is he married? A No, only a small boy.

Q With whom does he live? A Martha Stollby.

Levisa Joshua---6

Q What is the name of her other brother? A John.  
Q She has no other sisters living? A Yes.  
Q What is her name? A Jane Joshua, the wife of Sam Joshua.  
Q Are any of her brothers or sisters dead who left children--that is  
Sophia's brothers or sisters? A No.

Wilson Betsey, who appears before the Commission and makes application for the identification of Levisa Joshua as a Mississippi Choctaw, has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and also speaks and understands some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 21st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 23rd day of December, 1901 at Carthage, Mississippi.

*L. B. Mosely*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

*J. M. ...* Deputy.



DEPARTMENT OF THE INTERIOR.

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

---000---

*Copy*  
In the matter of the application for the identification of  
Lewis Johnson, a Chickasaw Indian, No. 4413.

---: DEPARTMENT OF THE INTERIOR :---

It appears from the record herein that application for  
identification of Lewis Johnson was made to this Commission  
on December 11, 1911, by William J. Johnson, for Lewis Johnson, a  
Chickasaw Indian, under the following provision of the Act of Congress, approved  
June 11, 1906, (34 Stat., 495):

"The Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
land under article 10 of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses, and perform all other acts  
necessary to make and file report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that Lewis Johnson is a full-blooded Chickasaw  
Indian.

Section 10 of the Act of Congress entitled "An Act  
to ratify the treaty between the United States and the Choctaw and Chickasaw  
tribes, and to provide for the payment of the claims of the Choctaw and Chickasaw  
tribes," approved July 1, 1831, (5 Stat., 581), and the Act of Congress  
approved September 15, 1906, (34 Stat., 495), entitled "An Act  
to provide for the payment of the claims of the Choctaw and Chickasaw  
tribes," approved September 15, 1906, (34 Stat., 495), provide as follows:

"The Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
land under article 10 of the treaty between the United States and the  
Choctaw Nation, concluded September twenty-seventh, eighteen hundred and  
thirty, and to that end may administer oaths, examine witnesses, and  
perform all other acts necessary to make and file report to the Secretary of the  
Interior."

to enroll in the roll of land under the said fourth and art-  
 icle of the said treaty of eighteen hundred and thirty who had  
 not done so before the said fifth article in the said treaty  
 of eighteen hundred and thirty, or before the said twenty-first, eighteen hundred  
 and thirty-eight, shall be deemed to be M'ik'ik' Chocktas,  
 entitled to land under article fourth of the said treaty  
 of eighteen hundred and thirty, eighteen hundred and thirty, and to  
 the title thereto by the said Commission, but this direction  
 or provision shall be deemed to be only a right of residence and  
 shall not be deemed to be a right of the said M'ik'ik' Chocktas  
 or to the land which is not M'ik'ik' Chocktas of the said land, or  
 to the said M'ik'ik' Chocktas of the said land, or to the said M'ik'ik' Chocktas who re-  
 ceive the land under said treaty, or who is otherwise  
 barred from the right of citizen ship in the said nation, all  
 of said M'ik'ik' Chocktas so enrolled by said Commission  
 shall be upon the said roll."

It is, therefore, the opinion of this Commission that  
 Lewis Fox is not so identified as M'ik'ik' Chocktas, and it  
 is so ordered.

CO. I. 1893

1893

*[Handwritten signature]*  
 Acting Chairman  
*[Handwritten signature]*  
 Commissioner  
*[Handwritten signature]*  
 Commissioner

Indian Territory,

FEB 14 1903

(Copy)

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Levisa Joshua as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Levisa Joshua as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

Registered.

~~Chairman~~ Chairman.

Enc. M.C.R. 4423

M.C.R. 4423.

Muskogee, Indian Territory, March 11, 1903.

Levisa Joshua,

Carthage, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of the 41st Section of the Act of Congress approved July 1, 1902, (32 Stats., 495).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 4423.

Muskogee, Indian Territory, August 27, 1903.

Commissioner in Charge,

Chickasaw Land office,

Tishomingo, Indian Territory,

Dear Sir:

You are advised that the following notations have been made upon identified Mississippi Choctaw card Number 35, and the information is forwarded that you may make the corresponding changes upon your office records:

SETTLEMENT ADDRESS "Calloway, I.T."

DATE OF PROOF OF SETTLEMENT "Aug. 19, 1903."

Respectfully,

Chairman.

No. 1

No. 2

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

John Doe

Mr. John Doe

1234 Main St.

Carthage, Miss.

John Doe

John Doe

born in both parents.

John Doe

John Doe

John Doe

Choctaw MCR 4424

Willis Sam

MCR 4424

REPORT OF THE INDIAN  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the matter of  
the application of William L. Williams, et al., for identification as  
Mississippi Choctaws,

No. 4494.



STATEMENT OF THE INQUIRY.  
COMMISSIONER OF THE GENERAL LAND OFFICE.  
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In the matter of the application of Willis Saxe, et al.,  
for identification as individuals Choctaws, N.C.T. 4414.

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Decision of the Commission identifying the above applicants,-----	2

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 21st, 1901.

In the matter of the application of Willis Sam for the identification of himself, his wife Eliza, his minor children Lela and Williamson, and his mother Sallie, as Mississippi Choctaws.

Said Willis Sam, being first duly sworn, testified as follows:-

(Oscar Willey, official interpreter).

Examination by the Commission.

- Q What is your name? A Willis Sam.  
Q How old are you? A About fifty eight.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Saint Anns.  
Q How long have you lived in Leake County, Mississippi? A I don't know how long. I raised in Leake County.  
Q Been here all your life? A Yes.  
Q Is your father living? A Died long time ago.  
Q What was his name? A Billy Sam.  
Q Did he have a Choctaw name? A Yes.  
Q What was it? A Ti-bi-che, I think.  
Q Have you a Choctaw name? A Yes, my name Willis.  
Q Have you a Choctaw name? A No.  
Q Did your father always live in the State of Mississippi? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q How old do you think he would be if he were living now? A I don't know.  
Q Is your mother living? A Yes.  
Q What is her name? A Sallie Sam.  
Q Is Sallie a full blood Choctaw? A Yes.  
Q Does she live in your family? A Yes.  
Q How old is your mother? A About eighty years old.  
Q Has she a Choctaw name? A Only Sallie.  
Q Do you know the name of your father's father? A No.  
Q Or your father's mother? A No.  
Q Or your mother's father? A No.  
Q Or your mother's mother? A I don't know.  
Q So far as you know, have all of your ancestors, that is your forefathers, always lived here in Mississippi? A Yes.  
Q And they have all been full blood Choctaws? A Yes.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living together now? A Yes.  
Q Were you married under a license or according to the Choctaw custom? A Choctaw.  
Q How long have you been living together? A About forty years.  
Q Is your wife a full blood Choctaw? A Yes.  
Q You want to make application for her too, do you? A Yes.  
Q What is her name? A Eliza.  
Q Has she any Choctaw name? A No.  
Q Has she always lived here in the State of Mississippi? A Yes.  
Q About how old is she? A About fifty years now.  
Q Is her father living? A No.  
Q What was his name? A Tom Chitto.

- Q Did you know Tom Chitto during his life time? A No.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he always live here in Mississippi? A Yes.
- Q Did he have a Choctaw name? A I don't know.
- Q Do you know the name of his father or his mother? A No.
- Q Is your wife's mother living? A No, died long time.
- Q What was her name? A I don't know him.
- Q Was she a full blood Choctaw? A Yes.
- Q Always lived here in Mississippi? A Yes.
- Q Do you know the name of her father or her mother? A No.
- Q So far as you know have all of your wife's ancestors been full blood Choctaw Indians? A Yes.
- Q And have always lived here in Mississippi, have they? A Yes.
- Q Have you any children living? A Yes.
- Q How many? A I got three, the oldest one is married.
- Q What is his name? A Kate.
- Q Is her husband living? A Yes.
- Q What is his name? A Jack Campbell.
- Q You just have three children living? A Yes.
- Q Two of them are under age, are they? A Yes.
- Q What are the names of those two under age? A Mela.
- Q How old is she? A Thirteen years old.
- Q What is the name of the next one? A Williamson.
- Q How old is he? A Five years old.
- Q These two children are living with you, are they? A Yes.
- Q Are they both the children of yourself and Eliza? A Yes.
- Q You have stated that your mother, Sallie, is an invalid and unable to appear before the Commission in her own behalf? A Yes.
- Q You desire to make an application for her, do you? A Yes.
- Q She is a full blood and about eighty years old, you have stated? A Yes.
- Q You are sure that she has always lived here in Mississippi, are you? A Yes.
- Q Her husband is dead? A Yes.
- Q And her parents are both dead? A Yes.
- Q You don't know the name of either of Sallie's parents? A No.
- Q This application then is for yourself, your wife, two minor children and your mother, is that correct? A Yes.
- Q Your mother is not able to leave home, is she? A No.
- Q Is your name, the name of your wife, the name of your mother or of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, your wife, your mother or either of these children to be admitted or enrolled as members of the Tribe? A No.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself, your wife, your mother or either of these children? A No.
- Q Have you ever made an application of any kind before today for yourself, your wife, your mother or either of these children? A Yes three years ago at Carthage, Mississippi.

Carthage, Mississippi, for the identification of this applicant, his wife Eliza, minor children Lelia and Williamson, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No.105, also on page 48 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 369, 370, 371 and 372, respectively, thereon. Application was also made on the same day at Carthage, Mississippi, for the identification of Sallie Sam, the mother of this applicant, as a Mississippi Choctaw, her name appearing on Mississippi Choctaw card Field No.104, also upon page 48 of the schedule, being number 368 thereon.

Q Is this application that you made at Carthage three years ago the only application you have ever made for yourself or any members of your family? A Yes.

Q Did you ever hear that the name of your mother's father was Jack? A I don't know.

Q Did you ever hear that her mother's name was Chim Perry? A No.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, for yourself, wife, two children and your mother? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and go out west of the Mississippi River and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who lived here in Mississippi and preferred to remain here might do so and receive land from the Government of the United States here in Mississippi.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

It is as follows:-

"Each Choctaw head of a family being desirous to re-

gain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of your wife's ancestors or any of your mother's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know.

Q Did any of them own an improvement here at the time the treaty was made, 71 years ago? A I don't know.

Q Were any of them living here at that time? A I don't know.

Q Do you know whether any of them were recognized members of the Choctaw Tribe of Indians here at that time? A No.

Q Do you know whether any of the removed from the old Choctaw Nation here in Mississippi and Alabama out west of the Mississippi River to the new Choctaw Nation at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A If they did, I don't know.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A No.

Q Or any money from the Government? A I don't know.

Q Did you ever hear of any of them ever having lived in Indian Territory? A No.

1

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an Agent here in Mississippi to

register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and take land; and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that ~~they~~ they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 28th day of February, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors or any of the ancestors of your mother appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A If they did, I don't know it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors or any

of the ancestors of your mother ever receive any of this scrip from the Government of the United States under this act of Congress?

A I don't know. Never seen any.

Q Do you know of any old person living who would likely know whether any of your ancestors, any of your wife's ancestors or any of your mother's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Don't know of anyone.

Q Do you know whether your mother knows anything about this treaty, or not? A I don't know whether she does or not, I never hear her say anything about it.

Q Did you ever hear your mother say anything about moving when the Indians were moved from this country out to the new country west of the Mississippi River? A She talked a little about someone moving out there.

Q Did you ever hear her say anything about any of the Choctaws here in Mississippi getting land here in Mississippi from the Government? A Never heard.

Q Did she ever own any land here? A I don't know whether she did or not.

Q You would likely know about it if she did, would you? A Yes, I would likely know.

Q Have you any witnesses here today whose testimony you desire to introduce in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No.

Q Have you any brothers living? A No.

Q Any sisters living? A No.

Q Are any of the children of any of your brothers or sisters living?

A Yes, my sister's girl is living.

Q What is her name? A Sillin.

Q What is her husband's name? A She aint married.

Q How old is she? A About eighteen years old.

Q What is her other name? A That's all.

Q What was her daddy's name? A His name Sam Joshua.

Q What was Sillin's mother's name? A Hoki.

Q She was your full sister, was she? A Yes.

Q Are there any other children of your deceased brothers or sisters living? A No, that's all.

Q Has your wife any brothers or sisters living? A No.

Q Are any of the children of any of your wife's brothers or sisters living? A There was none but they all died.

Q Are any of your father's brothers or sisters living? A No.

Q Are any of their children living? A One child of my father's sister.



Willis Sam e al---7

- Q What is that child's name? A Willie Billey.  
Q Where does he live? A Near Ofahoma.  
Q Is he a full blood Choctaw? A Yes.  
Q How old is Willie? A I reckon about eighteen.  
Q Is he married? A No.  
Q What was his mother's name? A I cant think of it.  
Q Is that all of the children of your father's brothers or sisters who are living? A Yes.  
Q Are any of your mother's-Sallie's-brothers or sisters or any of their children living? A No.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A No, only she got one brother living.  
Q What is his name? A Tom Chitto, lives in Neshoba County.  
Q Did your wife ever have any other brothers or sisters, beside Tom Chitto? A Yes, all dead.  
Q Did any of them leave children? A Yes, Tom Chitto's brother's child.  
Q What is the name of that child? A I don't know.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

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Ira C. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 21st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 24th day of December, 1901, at Carthage, Mississippi.

*R. M. Niles*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.



EXTRACT FROM THE REPORT OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

COMMISSION TO THE INDIAN LANDS.

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In the matter of the application of Willis Van, et al.,  
for identification of land in the Choctaw, Chickasaw, and Creek  
lands.

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It is shown that the record in the application for  
identification of land in the Choctaw lands was made to this Commission  
on December 22, 1901, by Willis Van, for himself, his wife, Eliza  
Van, his two minor children, Lela and Williamson Van, and his mother,  
Fannie Van, under the following provision of the Act of Congress  
approved June 25, 1900, (30 Stat., 495):

"This Commission shall have authority to determine the  
identity of those Indians claiming rights in the Choctaw  
lands under Article Fourth of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-seven,  
eighteen hundred and thirty, and to that end to administer  
oaths, examine witnesses, and perform all other acts necessary  
thereto and to report to the Secretary of the Interior."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blooded Choctaw  
Indians.

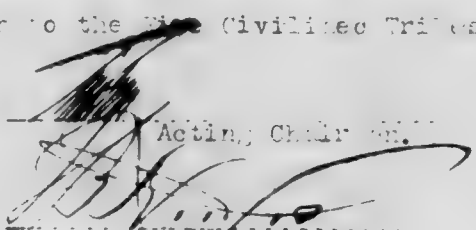
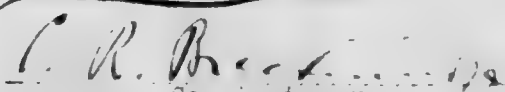
Section 1 of the Act of Congress entitled "An Act  
To ratify the agreement entered into between the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1901,  
(31 Stat., 641), under title by the Choctaw and Chickasaw Nations  
September 1, 1901, provides as follows:

"The application of no person for identification of  
land in the Choctaw lands shall be received by this Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the application of such applicants all  
full-blooded Choctaw Indians shall be required to sign the same and  
any full-blooded Choctaw Indian who is not of full or mixed blood

who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Willis Sam, Eliza Sam, Lela Sam, William son Sam and Sallie Sam should be identified as Mississippi Choctaws, and it is so ordered.

Cord for to the Civilized Tribes.

  
Acting Chairman.  
Commissioner.  
  
Commissioner.

W. C. Jones, Indian Commissioner,

FEB 14 1907

, 1903.

Charles M. Murrey & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
Tulsa, Oklahoma, Indian Territory.

Sir:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Willis Sam, his wife Eliza Sam, his minor children Lela Sam, Williamson Sam, and mother Sallie Sam as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission and protest as you desire to make against the action of the Commission in identifying the said Willis Sam, his wife and children, and mother as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. A.C.M. 4424

Man.

M.C.R. 4424.

Muskogee, Indian Territory, March 11, 1903.

Willis Sam,

Saint Anna, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Eliza Sam, your two minor children, Lela and Williamson Sam, and your mother, Sallie Sam, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 4424.

For Identification as a Mississippi Choctaw.  
*Carthage, Miss.*

Age 58      male  
 Name      Sam      Hall  
 Birthplace      Carthage, Miss.      d  
 Mother      Sam      d  
 wife      Eliza Sam      (f.m.) 50  
 Father      Tom      Chitto      d  
 Mother      Sam      d

Lela Sam      3  
 Williamson      5

Saville Sam      (f.m.) 50  
 Father      Sam      d  
 Mother      d

Willis & Son. et al

COPY OF DECISION FORWARDED  
APPLICANT

11 1903

Choctaw MCR 4425

Robinson Ben

See MCR 4378

MCR 4425

4425  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Robison Ben for the identification of himself, his wife Missouri and minor children, Maggie, Charlie and Floyd Ben as Mississippi Choctaws.

Said Robison Ben, being first duly sworn, testified as follows:-

(Oscar Riley, official interpreter).

Examination by the Commission.

- Q What is your name? A Robison Ben.  
Q How old are you? A About thirty-three I reckon.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Walnutgrove.  
Q Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q Is your father living? A Yes sir.  
Q What is his name? A Peter Ben.  
Q Where does he live? A Close by where we live.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived here in Mississippi? A Yes.  
Q Has he a Choctaw name? A Just Peter Ben.  
Q About how old a man is Peter? A I don't know.  
Q Is Peter's father living? A I don't know nothing about that.  
Q Or his mother? A No.  
Q You don't know the name of either of them, then? A No.  
Q Is your mother living? A No.  
Q What was her name? A I think it was Winnie.  
Q How long has she been dead? A I don't know how long. Been long time I reckon.  
Q Do you remember ever having seen her? A No.  
Q Died when you were a baby, then? A Yes.  
Q Do you remember whether she was a full blood Choctaw? A No.  
Q Whether she always lived here in Mississippi? A Yes.  
Q Is her father living? A I don't know.  
Q Or her mother? A I don't know.  
Q You don't know the names of any of her ancestors, then? A No.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living with her at this time? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Do you want to make application for her too? A Yes.  
Q What is her name? A Missouri.  
Q How old is Missouri? A About twenty-four.  
Q Has your wife always lived here in Mississippi? A Yes.  
Q Have you been married more than once? A No.  
Q Has she? A No.  
Q Is her father living? A No, he aint living.  
Q What was his name? A I don't know.  
Q Did you ever hear that his name was Jack? A No.  
Q Did you ever see him? A No.  
Q Do you know whether he was a full blood or not? A I don't know.



Q Is your wife's mother living? A Yes.  
Q What is her name? A I don't know his name.  
Q Where does she live? A Near Redwater.  
Q Is she married? A Yes.  
Q What is her husband's name? A Dixon Willis.  
Q Isn't her name Louisa? A I reckon so.  
Q Do you know how old she is? A I don't know.  
Q Is she a full blood Choctaw Indian? A Yes sir.  
Q You have seen her, have you? A Yes.  
Q Do you know the name of her father or mother? A No, I don't know.  
Q She has always lived here in the State, has she? A Yes.  
Q Do you know the name of your wife's father's father or of her mother? A No, I don't know.  
Q The only one of your wife's ancestors then whose name you know is that of her mother, Louisa Willis, is that correct? A Yes.  
Q Have you any children living? A Yes, three.  
Q What are their names and ages? A Maggie.  
Q How old is Maggie? A Seven years old.  
Q What is the name of the next? A Charlie.  
Q How old is Charlie? A Five.  
Q What is the name of the next child? A Floyd, he was born May 16th, 1900.  
Q You have just three children, then? A Yes.  
Q Are they all living with you now? A Yes.  
Q They are the children of yourself and Missouri Ben, are they? A Yes.  
Q This application, then, is for yourself, your wife and three minor children, is that correct? A Yes.  
Q Is your name, your wife's name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, your wife, or any of these children to be admitted or enrolled as members of that Tribe? A No, I did not.  
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, your wife or anyone of these children? A No, I did not.  
Q Have you ever made any application of any kind for yourself, your wife or any of these children before today? A Yes, at Carthage, three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife Missouri and two minor children, Maggie and Charlie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 81, also on page 45 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being

numbers 303, 304, 305 and 306 respectively thereon.

Q Is that the only application of any kind you ever made before today? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the eastern edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who insisted on staying here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and become citizens of the States might do so and might receive land here in Mississippi from the Government.

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government under any other article of the treaty or under the supplement to the treaty? A I don't know.

Robison Ben et al---4

Q Did you ever hear of any of them ever having gotten a land here in Mississippi from the Government? A No.

Q Or ever having gotten any money from the Government? A Never heard of it.

Q So far as you know, were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such?

A No.

Q Did you ever hear of any of them ever having lived in Indian Territory? A No.

In accordance with the provisions of article 11 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed ~~through~~ them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings. So another act was passed, which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today whose testimony you desire to have taken before the Commission? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Winter, or at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission at Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or your wife's ancestors, covering land here in Mississippi received from the Government of the United States? A No.

Q Have you any brothers living? A Yes.

Q How many? A One.

Q What is his name? A Jim Ben.

Q Have you any brothers dead? A No.

Q Have you any sisters living? A Two living.

Q What are their names? A Dump Comby, the wife of Ben Comby, and Phelia Nelson, the wife of Harrison Nelson, who is now dead.

Q Have you any half sisters living? A Yes, Blea Ben, lives with my father.

Q What is the name of another one? A Finkley Ben, he lives with my father's brother Madison Ben. He is my half brother.

Q Have you any half sisters or half brothers dead? A No.

Q Have you any full sisters dead? A No.

Q Are any of your father's brothers living? A Madison Ben, and a half brother named Ellis Sam.

Q Has he any brothers or half brothers dead? A Captain Jim Sam dead, he was my father's half brother.

Q Did Jim Sam leave any children? A Yes, Huddleston Sam and Phelia Dixon, the wife of John Dixon.

- Q Has your father any sisters living? A Yes, one full sister.  
Q What is her name? A Sealy York, the wife of Scott York.  
Q What is the name of your father's half sister? A Martha Jacobs, she lives in Neshoba County.  
Q Has your father any half sisters or full sisters dead? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your wife's brothers or sisters living? A Just one living.  
Q What is his name? A Wilson Dixon.  
Q Has she any brothers or sisters dead? A No.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know none of them.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A No.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw Choctaw Interpreter.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of December, 1901, at Carthage, Mississippi.

*L. B. H. H. H.*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

MEMORANDUM  
TO THE  
COMMISSIONER  
OF THE  
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

M. C. R. 4425.

Wash. D. C., Indian Territory, January 10, 1903.

William O. Beall,

Clerk in Charge,

Choctaw-Chickasaw Enrollment Division.

Dear Sir:-

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, an application numbered M. C. R. 4425, being that of Robinson Len, et al., wherein he makes application for himself, his wife, Missouri, and his three minor children, Maggie, Charlie and Floyd.

This case was transmitted as a full-blood Mississippi Choctaw case, but the testimony is not conclusive in regard to the wife of the principal applicant being a full blood, and it is therefore impossible to prepare a decision entitling said wife and the minor children as full-blood Mississippi Choctaws. The record is therefore returned to the files for such action as may be deemed necessary.

Yours truly,

Informal  
to 4425 2/1/03

Chas. W. W. W.

Muskogee, Indian Territory, February 2, 1903

Robison Ben,

Walnutgrove, Mississippi.

Dear Sir-

It appears from the records of this Commission that on December 23, 1901, you made application for the identification of yourself, your wife, Missouri Ben, and three minor children, Maggie, Charlie and Floyd Ben, as Mississippi Choctaws. At the time you made such application, it was impossible to obtain certain information as to your wife's parentage, and this information must be supplied before your case can be finally determined.

For the purpose of properly securing the necessary information, there is enclosed herewith a blank affidavit, which you will please have your wife, Missouri Ben, fill out and swear to before some notary public, and return the same promptly to this Commission in the enclosed addressed envelope which requires no postage. This matter should receive your prompt attention.

Yours truly,

Acting Chairman.

Enc. H C R--2  
Addressed Envelope.

Muskogee, Indian Territory, May 14, 1903.

Robison Ben,

Walnut Grove, Mississippi.

Dear Sir:

It appears from our records that on February 2, 1903, the Commission addressed you a communication requesting certain information as to the amount of Choctaw blood possessed by your wife's parents, and enclosed, for your convenience in furnishing this information, blank affidavits, in interrogatory form, to be executed by your wife and returned to the Commission. Up to this time these affidavits have not been received.

Please give this matter your prompt attention, as no further steps can be taken in the matter of the application of your wife, Missouri Ben, for identification as a Mississippi Choctaw until the information requested is furnished.

Respectfully,

Commissioner in Charge.



M C R 4425

Muskogee, Indian Territory, July 24, 1903.

Robison Ben,

Walnutgrove, Mississippi.

Dear Sir:

On February 2, 1903, the Commission forwarded you a blank affidavit in interrogatory form, with the request that you fill out the same and return to this office. Up to the present time the Commission has not received same, and you are now asked to return ~~the~~ affidavit, in proper form, as soon as possible.

Respectfully,

Commissioner in Charge.

M.C.R.4425.

Muskogee, Indian Territory, September 5, 1905.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Robison Ben, of Walnutgrove, Mississippi, for the identification of himself, his wife, and three minor children as Mississippi Choctaws.

The principal applicant herein, while apparently a full-blood Choctaw Indian, is unable to give any information as to his mother or the parents of his wife; and you are directed, if possible, to secure from Robison Ben or some other person or persons who have knowledge of these applicants, an affidavit, deposition, or such other testimony as is procurable relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Enc.: M.C.R.4425.

Chairman.

Meridian, Mississippi, September 23, 1903

Robison Ben,

Walnutgrove, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 23, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write to me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 6  
M C R 4428

Special Agent.

Meridian, Mississippi, November 17, 1903.

Robison Ber,

Walnutgrove, Mississippi.

Dear Sir:-

Underdate of September 23, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 23, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Census Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write to me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 6

Special Agent.

M.C.R. 4425  
COPY.

Muskogee, Indian Territory, April 26, 1904.

Robison Ben,

Walnut Grove, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you, your wife, Missouri Ben, and minor children, Margie Ben, Charlie Ben and Floyd Ben, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,  
(SIGNED)

Samuel L. May

Chairman.

Registered.

Enc. MCR 4378.

M. C. R.  
4378, 4236,  
4426, 4425.

Muskogee, Indian Territory, April 26, 1904.

M. P. Woy,

Sterrett, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 26, 1904, rendered its decision identifying Madison Ben, Texas Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubbae), J. Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 341).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to an approved settlement in the Choctaw- Chickasaw country, Indian Territory, on or before October 26, 1904, and must give proof of such removal and settlement on or before April 26, 1905, at the office of the Commissioner at Atoka, Choctaw Nation, or Fort Silo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Chairman.

M. C. R.  
4378, 4236,  
4426, 4425.

Indian Territory, April 27, 1904.

Manfield, Murray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered April 26, 1904, identifying Madison Ben, James Ben, Ida Ben, Peter Ben (Wh-fin-ah-tubb-ah), Big Ben, John Ben, Sam Ben, Robinson Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 611).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said persons as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Respectfully,

Enc. 40R 4378.

Chairman.

IN RE  
*Identification*  
Application for

INFANT CHILD

*Floyd Ben.*

of the

of the

of the

Approved,

190

A. H. H.

Commissioner.

*See Miss Cha Card No 81*

DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
WASHINGTON TO THE FIVE CIVILIZED P. H.  
**FILED**  
DEC 20 1901

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

COMMISSIONER

NOV 21 1901

*[Handwritten mark]*



See Miss Cho Card Shield No 81

BIRTH AFFIDAVIT

20

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Identification*  
I, *RE*, Appointed a *Commissioner*, do hereby certify that  
of *Floyd Ben*, born on the *16* day of *May*, 190*0*.  
Name of Father: *Robison Ben*, a *citizen* of the *State*.  
Name of Mother: *Missouri Ben*, a *citizen* of the *State*.  
Post-office *Walnut, Grove, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*State of Mississippi*  
*County of Jackson*

*Missouri Ben*, on oath state that I am *24*  
years of age and a *full blood* of the *Choctaw Indian* Nation;  
that I am the lawful wife of *Robison Ben*, who is a *citizen* by  
*full blood* of the *Choctaw Indian* Nation, that a *male* child was  
born to me on the *16* day of *May*, 190*0*; that said child has been  
named *Floyd Ben*, and is now living.

WITNESSES TO MARK

*James L. Ligon*  
*Curtis Goldin*

Subscribed and sworn to before me this *24* day of *December*, 190*0*.

*J. W. Gentry* Mayor, Walnut Grove &  
Ex officio J. P.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

*State of Mississippi*

I, *Robison Ben*, on oath state that I  
attended on Mrs. *Missouri Ben*, my wife,  
on the *16* day of *May*, 190*0*; that there was born to her on  
said date a *male* child, that said child is now living and *has* been  
named *Floyd Ben*.

WITNESSES TO MARK

*J. S. Spivey* *Robison Ben* his  
*July 2 Emerson* *male*

Subscribed and sworn to before me this *23* day of *December*, 190*0*.

*L. B. Massey* Clerk  
*U. S. Circuit Court to City of Mississippi*  
*By J. M. L. C.*

The appearance of the man is about  
his full blood & that of his wife is  
characteristic of a full blood.

All other evidence points to the  
family being full bloods. especially  
the family connections.

Ans

For Identification as a Mississippi Choctaw.

Arthur Max

Loison Sen

30

Chenango Sen

Blue Sen

L

Minnie

d

wife both said to

Missouri Sen (just) 24

d

James Sen

L

18

18

Minnie Sen

7

Charlie

4

Floyd

1

John

James

willis

Choctaw MCR 4426

Jim Ben

See MCR 4378

MCR 4426

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Jim Ben, et al., for  
identification as Mississippi Choctaws.

-000-

Herein is the record in the matter of the application of  
Jim Ben, et al., for identification as Mississippi Choctaws,  
M.C.N. 4426.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

In the matter of the application of Jim Ben, et al., for  
identification as Mississippi Choctaws.

M. C. R. 4426.

-c00-

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14426  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Jim Ben for the identification of himself, his wife Sophia and two minor children John and Sam Ben, as Mississippi Choctaws.

Said Jim Ben, being first duly sworn, testified as follows: (Oscar Wiley, official interpreter).

Examination by the Commission.

- Q What is your name? A Jim Ben.  
Q How old are you? A About twenty-five, I reckon.  
Q How much Choctaw blood have you? A Full blood.  
Q Have you always lived here in Leake County, Mississippi? A Yes.  
Q What is your postoffice address? A Walnutgrove.  
Q What is your father's name? A Peter Ben.  
Q Has he always lived here in Mississippi, too? A Yes.  
Q Where does he live? A Walnutgrove.  
Q He is a full blood Choctaw, is he? A Yes.  
Q About how old do you think Peter is? A About fifty-nine, I think.  
Q Has he a Choctaw name? A I don't know.  
Q Do you know the name of his father or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A I don't know.  
Q Did you ever hear that your mother's name was Winnie? A Yes.  
Q Do you remember ever having seen her? A No.  
Q She died when you were very small, don't she? A Yes.  
Q Was she a full blood? A Yes.  
Q And she lived here in Mississippi? A Yes.  
Q Is her father living? A I don't know.  
Q Do you know his name? A No.  
Q Is her mother living? A No.  
Q Do you know her name? A No.  
Q You don't know the names, then, of any of your ancestors except your father and your mother, is that correct? A Yes.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes.  
Q Have you been married more than once? A No.  
Q Has she? A No.  
Q Are you living with your wife? A Yes.  
Q What is her name? A Sophia.  
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.  
Q How long have you lived with her? A About nine years.  
Q Is she a full blood Choctaw? A Yes sir.  
Q How old is she? A About twenty-four.  
Q Has she always lived here in Mississippi? A Yes sir.  
Q Is her father living? A Yes sir.  
Q What is his name? A Sam Joshua.  
Q Is he a full blood Choctaw? A Yes.  
Q Where does he live? A Close to Saint Anna.  
Q Has he always lived here in the State of Mississippi? A Yes.  
Q Has he a Choctaw name? A No.  
Q Is his father living? A I don't know.

- Q Is Sam's father living? A I don't know.  
 Q Is his mother living? A I don't know.  
 Q Do you know the names of either of them? A No.  
 Q About how old a man is Sam's father? A I don't know.  
 Q Is your wife's mother living? A I don't know.  
 Q What is her name? A I don't know that.  
 Q Do you know whether she is a full blood Choctaw, or not? A I don't know.  
 Q Or whether she has always lived here in Mississippi? A Yes.  
 Q Do you know the name of either of her parents? A No.  
 Q Have you any children living? A Yes sir, two; John Ben and Sam Ben.  
 Q How old is John? A About seven years old.  
 Q How old is Sam? A About two months old.  
 Q Are these children both living with you now? A Yes.  
 Q Are the the children of yourself and Sophia Ben? A Yes.  
 Q Is that all your children? A Yes.  
 Q You then make application for yourself, your wife Sophia and two minor children John and Sam Ben, is that correct? A Yes.  
 Q Is your name, your wife's name or the name of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
 Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, wife or either of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No.  
 Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, wife or either of these children or did anyone else make such an application for you? A No.  
 Q Has any application ever been made to the Commission before today for yourself, wife or either of these children? A Yes, at Carthage, three years ago.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife Sophia and son John as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 18, also on page 36 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 70, 71 and 72 respectively thereon.

- Q Is this application made for you three years ago the only application of any kind that has ever been made before today? A Yes.  
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and two minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes.



The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might do so and might receive land from the Government.

Q. Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A. Yes.

Q. Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under it? A. I don't know.

Q. Did any of them own an improvement here at the time that treaty was made? A. I don't know.

Q. Were any of them living here at that time? A. I don't know.

Q. Were any of them recognized members of the Choctaw Tribe here at that time? A. I don't know.

Q. Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1830 and 1838? A. I don't know.

Q. Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A. I don't know.

Q. Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.

Q. Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A. I don't know.

Q. Did you ever hear of any of your ancestors ever having received any land here in Mississippi from the Government? A. No.

Q. Or any money from the Government? A. No.

Q. So far as you know, did any of your ancestors or any of your wife's ancestors ever live in Indian Territory? A. No.

Q. Were any of them ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such? A. I don't know.

Q. Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received under article 14 of the treaty of Dancing Rabbit Creek? A. Never saw or heard of it.

In accordance with the provisions of Article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under article 14 of the treaty. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens of the States. On this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had in covenants and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the Act of Congress under which they were appointed and a later act of Congress approved February 22nd, 1838, providing for the continuance of the Commission, they were unable to hear but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q. And all of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A. I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Jim Ben et al---5

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of any one.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at anyone of the appointments of the Commission here in Mississippi this Winter, in Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time?

A No.

Q Have you any brothers living? A Yes.

Q How many? A One.

Q What is his name? A Robinson Ben.

Q Have you any brothers dead? A No.

Q Have you any sisters living? A Yes sir.

Q How many? A Two living.

Q What are their names? A Phelia Nelson, the wife of Harrison Nelson, now deceased; and Dimp Dumbby, the wife of Ben Dumbby.

Q Have you any half sisters or half brothers living? A One half sister and one half brother, Blea Ben and Finkley Ben.

Q Have you any half brothers or half sisters dead? A I don't know.

Q Have you any full sisters dead? A No.

Q Or any full brothers dead? A No.

Q Are any of your wife's brothers living? A I don't know.

Q Has your wife any sisters living? A Ain't got no full sisters but some half sisters.

Q What are their names? A I don't know their names.

Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.

Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know.

Q Are any of your father's brothers living? A Yes.

Q How many? A Two, Ellis and Madison Ben. Ellis Ben is a half brother and Madison is a full brother.

Q Has your father any brothers or half brothers dead? A Yes, half brother, Captain Jim Ben.

Q Did he leave any children? A I don't know.

Q Has your father any full sisters living? A I don't know.

Q Any half sisters living? A I don't know.

Q Has he any full sisters or half sisters dead? A I don't know anything about it.

This applicant has the appearance of being a full blood

Jim Ben et al---6

Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

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Ira C. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*I. C. Miles*  
Subscribed and sworn to before me this the 26th day of December, 1901, at Carthage, Mississippi.

*J. P. Mendenhall*  
Notary U.S. Circuit Court, Southern  
District of Mississippi.

*Wm. H. Mendenhall* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

In the matter of the application of Jim Ben, et al., for  
identification as Mississippi Choctaws, W.C.N. 4428.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 23, 1901, by Jim Ben for himself his wife, Sophia Ben,  
and his two minor children, John and Sam Ben, under the following  
provision of the act of Congress approved June 25, 1895 (30 Stats.,  
495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."

From the records of the Commission it appears that Jim Ben,  
John Ben and Sam Ben, who are full-blood Choctaw Indians, were, on  
April 26, 1904, duly identified as Mississippi Choctaws under the  
provisions of Section forty-one of the act of Congress approved July  
1, 1902, (32 Stats., 841). The evidence herein shows that Sophia

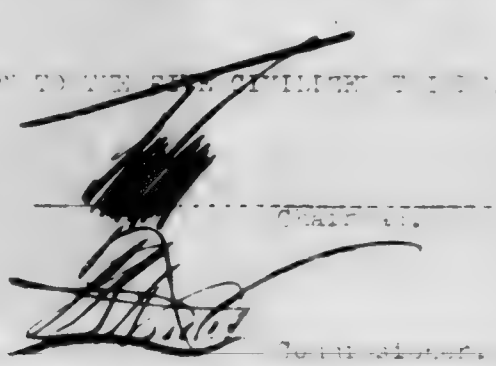
Ben is also a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1832, (22 Stat., 342), and ratified by the Choctaw and Chickasaw Nations September 27, 1832, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who did not avail to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-sevent, eight hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

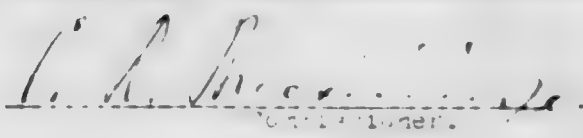
It is therefore the opinion of this Commission that Ben is Ben should be identified as a Mississippi Choctaw and it is so ordered.

COMMISSIONER TO THE CHIEF CIVILIAN TRIBES.



CHIEF OF.

COMMISSIONER.



, Indian Territory,

SEP 27 1904

MEMORANDUM  
HARRY L. HARRIS  
TAMM BIRBY  
T. J. M. D. NEVILLE  
R. B. KENNEDY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M C R 4426

Muskege, Indian Territory, January 27, 1903.

William O. Beall,

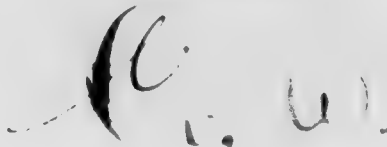
Clerk in Charge, Choctaw-Chickasaw Enrollment Division.

Dear Sir-

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, an application numbered 4426, being that of Jim Ben, et al., wherein he makes application for the identification of himself, his wife Sophia, and his two minor children, John and Sam Ben.

This application was forwarded as a full-blood Mississippi Choctaw case, but the testimony is not conclusive as to the blood of the principal applicant's wife, and therefore a decision cannot be prepared at this time identifying the said wife and minor children as full-bloods. The record in this case has therefore been returned to the files for such action as may be deemed necessary.

Yours truly,



Muskegee, Indian Territory, February 6, 1903.

Jim Ben,

Walnutgrove, Mississippi.

Dear Sir-

It appears from the records of the Commission that on December 23, 1901, you appeared before the Commission at Carthage, Mississippi, and there made personal application for the identification of yourself, your wife Sophia, and your two minor children, John and Sam Ben, as Mississippi Choctaws. At that time you were unable to state the name of your wife's mother, and whether or not she was a full-blood Choctaw.

In order that the Commission may render a decision in your case identifying yourself and family as full-blood Mississippi Choctaw Indians, it is necessary that the Commission be furnished with the name of your wife's mother and evidence that she was a full-blood Choctaw Indian. For the purpose of obtaining this information, there is enclosed herewith a blank affidavit in interrogatory form, and you are requested to have your wife appear before a notary public and answer under oath the questions therein propounded. When properly executed, you will return this affidavit to the Commission without unnecessary delay in the enclosed addressed envelope which requires no



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postage.

This matter should receive your immediate attention, as no further steps can be taken in the matter of the identification of your wife and children as Mississippi Cheetaws until this information is furnished.

Yours truly,

Commissioner in Charge.

Register.  
Enclosure H C R-00  
Addressed Envelope.

Muskogee, Indian Territory, May 14, 1903.

Jim Ben,

Walnut Grove, Mississippi.

Dear Sir:

It appears from the records of the Commission that on February 6, 1903, you were addressed a communication requesting certain information as to the amount of Choctaw blood possessed by your wife's parents, and enclosed, for your convenience in furnishing this information, blank affidavits, in interrogatory form, to be executed by your wife and returned to the Commission. Up to this time these affidavits have not been received.

Please give this matter your prompt attention, as no further steps can be taken in the matter of the application of your wife, Sophia Ben, for identification as a Mississippi Choctaw until the information requested is furnished.

Respectfully,

Commissioner in Charge

M C R 4428

Muskogee, Indian Territory, July 24, 1903.

Jim Ben,

Walnut Grove, Mississippi.

Dear Sir:

On February 6, 1903, the Commission forwarded you a blank affidavit in interrogatory form, in order that you might furnish the commission with certain information. Up to the present time the Commission has not received the same, and you are hereby requested to give the matter your immediate attention.

Respectfully,

Commissioner in Charge.

100-100000  
M.C.R.4426.

Muskogee, Indian Territory, September 4, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Jim Ben, of Walnut Grove, Mississippi, for the identification of himself, his wife and two minor children as Mississippi Choctaws.

The principal applicant in this case, while apparently a full-blood Choctaw Indian, is unable to give any information as to his mother or the mother of his wife; and you are directed, if possible, to secure from Jim Ben or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Enc.: M.C.R.4426.

Chairman.

Meridian, Mississippi, September 25, 1903.

J. L. Pen,

Walnutgrove, Mississippi.

Dear Sir-

It appears from the records of the Commission that on December 25, 1901, you appeared before the Commission and made application for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Census Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 38  
N. O. R. 4426

Special Agent.

Meridian, Mississippi, November 23, 1903.

Jim Pen.

Walnutgrove, Mississippi.

Dear Sir-

Under date of September 25, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 23, 1901, you appeared before the Commission and made application for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your right to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the United States Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 5 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

COPY.

Muskogee, Indian Territory, April 26, 1904.

Jim Ben,

Walnut Grove, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you and your two minor children, John Ben and Sam Ben, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved Jul. 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,  
SIGNED:

Registered.

Chairman.

Enc. MCR 4328.

W. C. R.  
4378, 4236,  
4426, 4425.

Muskogee, Indian Territory, April 26, 1904.

M. P. Woy,

Starrett, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 26, 1904, rendered its decision identifying Madison Ben, Jesse Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubbee), Jim Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 11 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tiptonville, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Chairman.



M. C. R.  
4378, 4236,  
4426, 4425.

Muskogee, Indian Territory, April 26, 1904.

Vansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered April 26, 1904, identifying Madison Ben, Jesse Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubbee), Jim Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. MCR 4378.

Chairman.

COPY.

M.C.R. 4426

Muskogee, Indian Territory, September 27, 1904.

Sophia Ben,

Walnut Grove, Mississippi.

Dear Madam:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourself of the benefits thereof, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of yourself as a Mississippi Choctaw.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose of making proof of your removal to and settlement within

S.B.2

the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

SIGNED *Tams Dixey*

Chairman.

Registered.

Incl. M.C.R. 4426.

COPY.

M.C.R. 4426

Muskogee, Indian Territory, September 27, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying Sophia Ben as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicant as a Mississippi Choctaw. If at the expiration of that time no protest has been filed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

THOMAS

Chairman.

Registered.

Incl. M.C.R. 4426.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for ~~enrollment~~ of  
INFANT CHILD

*Sam Ben*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
MAR 8 1902

*[Signature]*  
ACTING CHAIRMAN.

Approved:  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
1902  
Commissioner.

*Miss Choc And Fred Novak*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

COMMISSIONER

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## 1

**AFFIDAVIT OF MOTHER.**

State of Missouri  
County of St. Louis  
Sophia B.

WITNESSES TO MARR

(First to Two)

Subscribed and sworn to before me this 1st day of March 1902

M. H. Austin Mayor of Valmont Town  
 & Station J. P.

**AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE**

State of Missouri  
County of [unclear]

WITNESSED TO: 

( ) What is the  
the name

Subscribed and sworn to before me this, 23<sup>rd</sup> day of December 1901.

L. B. Moreley, Clerk  
U. S. Circuit Court at San Francisco  
By J. M. L. C.

For Identification as a Mississippi Choctaw.

Curthage Miss

1900

Age 40

Married 1880

Place of birth

Parents

Married

Wife

Shea

Father Sam Shea

Mother

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Choctaw MCR 4427

Ben Primus

MCR 4427





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1. The first part of the report is devoted to a general survey of the situation in the country.

2. The second part is devoted to a detailed analysis of the economic situation.

3. The third part is devoted to a detailed analysis of the social situation.

4. The fourth part is devoted to a detailed analysis of the political situation.

5. The fifth part is devoted to a detailed analysis of the cultural situation.

6. The sixth part is devoted to a detailed analysis of the international situation.

7. The seventh part is devoted to a detailed analysis of the future prospects.

8. The eighth part is devoted to a detailed analysis of the conclusions and recommendations.

9. The ninth part is devoted to a detailed analysis of the annexes.

10. The tenth part is devoted to a detailed analysis of the bibliography.

441  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Ben Primus for the identification of himself as a Mississippi Choctaw.

Said Ben Primus, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Ben Primus.  
Q How old are you? A Twenty-two.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Thomastown.  
Q Leake County? A Yes.  
Q How long have you lived in Leake County, Mississippi? A I was born in Attala County and have lived here ever since I was a child.  
Q Is your father living? A No.  
Q What was his name? A I couldn't tell you, Primus is all I know.  
Q Do you remember your father? A No.  
Q He died when you were a child, did he? A Yes.  
Q Was he a full blood Choctaw? A I spect he was.  
Q Did he always live here in Mississippi? A Yes.  
Q Did he have a Choctaw name? A I don't know.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A Sallie, I believe.  
Q How long has s e been dead? A I don't know.  
Q Was she a full blood Choctaw? A Yes.  
Q Had s e have a Choctaw n me? A I don't know.  
Q Did she always live here in Mississippi? A Yes.  
Q Do you know the name of her father? A N.  
Q Or her mother? A N.  
Q How old would your father be if he were living now, do you know? A No, I don't know.  
Q How old would your mother be if she were living now? A I don't know that.  
Q As far as you know, have all of your ancestors always lived in Mississippi? A Yes.  
Q And they have all been full bloods? A Yes.  
Q Are you married? A No.  
Q You have been married, have you not? A Yes.  
Q And have separated from your wife? A Yes.  
Q What is her name? A Nannie Sam, the daughter of Ellis Sam. We married about three years accordi : to the Choctaw custom and lived together a year and a half and separated. She has been before the Commission her at Carthage this month and made application in behalf of herself and child.  
Q You want to make application, then, for yourself only? A I reckon so.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities to be admitted or enrolled as a member of that Tribe or did anyone else ever make such an application for you? A No.

Ben Primus---2

Q Did you or anyone for you in the year 1896 make an application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any kind before today?

A Yes, at Carthage three years ago.

The records of the Commission show that an application was made to the Commission at Carthage, Mississippi, on the 25th day of January, 1899, for the identification of this applicant as a Mississippi Choctaw, his name appearing on Mississippi Choctaw card Field No. 98, also on page 47 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being No. 350 thereon.

Q This application made for you three years ago is the only application of any kind that was ever made for you, is it? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made, or did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi, become citizens of the States and take land here in Mississippi? A I don't know about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of that treaty? A I don't know.

Q Or under any other article of the treaty or under the supplement to the treaty? A I don't know.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government? A Never heard.

Q Or any money from the Government? A Never heard.

Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such? A No.

Q Did any of them ever live in Indian Territory? A I don't know.

Ben Primus---3

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land under article 14 of the treaty and become citizens. On this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the

Ben Primus---4

United States Government under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Winter, at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time?

A No.

Q Have you any brothers living? A No.

Q Have you any brothers dead? A I don't know.

Q Have you any sisters living? A One.

Q What is her name? A Seaby Primus.

Q Have you any sisters dead? A I don't know.

Q Have you any half sisters or half brothers living? A No.

Q Any dead? A No.

Q Are any of your father's brothers or sisters or any of their children living? A Yes, my father's brothers children are living.

Q How many? A Five.

Q What are their names? A Columbus Dixon, Wilson Dixon, John Dixon, Philip Dixon and Lula Jamison.

Q Is that all of them? A Yes.

Q They are the children of your father's brother? A Yes.

Q What is their father's name? A Dixon.

Q Are these children you have named the only children of any of your father's brothers or sisters who are living? A Yes.

Q Are any of your mother's brothers or sisters living? A I don't know.

Q Are any of their children living? A I don't know.

This applicant appears to be a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

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Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at

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Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of December, 1901, at Carthage, Mississippi.

*J. P. [Signature]*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Q. 11



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You are hereby advised that you will be allowed fifteen days from the date of this order to file with the Commission such protest as you desire to make against the action of the Commission in its order to hold the said respondent in contempt, and to show cause why the said respondent should not be held in contempt of the Commission.

If a bill is filed subsequent within the time allowed, the name of the bill number will be placed in the space of the bill number in the bill number column being reported by the bill number.

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Respectfully,

... ..

~~Chairman~~ Chairman.

Enc. M. C. R. 4427

Muskogee, Indian Territory, March 11, 1903.

Be: Prima,

Thomaston, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

James D. Smith,  
Chairman.

Registered.

Enc. 4-17



For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

Name

Age

22

B. a

Post Office

Homestead, Miss.

Father

Mother

Claims through

Children.

- (1) [illegible]
- (2) [illegible]

Stacy [illegible]

[illegible signature]

MISSISSIPPI

*Miss Pinner*

Choctaw MCR 4428

Jack Camel

MCR 4428

W. L. T. C. 1. 17. 10.

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Page 1 of 1. 17. 10. 17. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20.

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4428

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Jack Camel for the identification of himself, his wife Kate, his three minor children Elexis, Wiley and Serena Camel, and his invalid mother Sallie Camel, as Mississippi Choctaws.

Said Jack Camel, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Jack Camel.  
Q How old are you? A About twenty-three.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Saint Anns.  
Q Have you lived in Leake County all your life? A Yes.  
Q Is your father living? A No sir.  
Q What was his name? A Camel Amos.  
Q How long has he been dead? A About ten years.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live here in this County, in Mississippi? A Yes.  
Q Did he have a Choctaw name? A If he did, I don't know it.  
Q About how old a man would he be if he were living now? A About fifty years old.  
Q Is his father ~~er~~ living? A No.  
Q Do you know his name? A No.  
Q Is your father's mother living? A No.  
Q Do you know her name? A I don't know.  
Q Is your mother living? A Yes.  
Q What is her name? A Sallie, her old man was Camel Amos.  
Q What is her name? A Sallie Camel.  
Q Where does she live? A Close to Thomastown.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lives here in Mississippi? A Yes.  
Q Is her father living? A No.  
Q Is her mother living? A No.  
Q Do you know the name of her father or her mother? A No sir.  
Q About how old is your mother? A About fifty.  
Q Do you know the name of any one of your mother's grandparents?  
A No.  
Q So far as you know, have all of your ancestors been full blood Choctaws? A Yes.  
Q And they have always lived here in Mississippi, have they? A Yes.  
Q You never heard of any of them having lived in Indian Territory?  
A No.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living with her at this time? A Yes.  
Q Have you ever been married more than once? A Just once.  
Q Has your wife been married more than once? A Once.  
Q Is she a full blood Choctaw? A Yes.  
Q What is her name? A Kate.

Jack Camel et al---2

Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.

Q How long have you been living with her? A About five or six years.

Q How old is she? A About twenty-two years old.

Q Has she always lived in Mississippi? A Yes.

Q Is her father living? A Yes.

Q What is his name? A Willis.

Q What is his other name? A Willis Sam.

Q Where does he live? A He lives at Redwater, close by Saint Anna.

Q Has he always lived here in Leake County? A Yes.

Q Is he a full blood Choctaw? A Yes.

Q Has he any other name, a Choctaw name? A No.

Q About how old a man is he? A About fifty, I think.

Q Is he the Willis Sam who appeared here before the Commission last Saturday the 21st inst., and gave in his name and the names of his family? A Yes sir.

Q Do you know the name of his father? A No sir.

Q Or his mother? A No sir.

Q Is your wife's mother living? A Yes.

Q What is her name? A Eliza Sam.

Q Is she a full blood? A Yes.

Q Has she always lived in Mississippi? A Yes.

Q Has she any Choctaw name? A I don't know.

Q Do you know the name of her father? A No sir.

Q Or of her mother? A No.

Q You don't know, then, the name of any one of your ancestors or the name of anyone of your wife's ancestors except the names of your parents and her parents? A That's all.

Q Have you any children living? A Yes, three living.

Q What are their names and ages? A Elexis, Wiley and Serena.

Q How old is Elexis? A Four years old.

Q How old is Wiley? A Two years old.

Q How old is Serena? A Two months old.

Q Is that all your children? A Yes.

Q Are these children living with you at this time? A Yes.

Q Are they all the children of yourself and Kate Camel? A Yes.

Q Is your mother an invalid? A Yes.

Q Is she able to leave home at all? A No, she isn't able to walk much.

Q You desire to give in her name too, do you? A Yes.

Q This application, then, is for yourself, your wife, three minor children and your invalid mother, is that right? A Yes.

Q Is your name, your wife's name or the name of your mother to be found upon any of the Choctaw Tribal rolls in Indian Territory?

A I don't know.

Q Did you or anyone for you, your wife, or anyone for her, or your mother, or anyone for her, make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as members of that Tribe? A No.

Q Did you or your wife or mother or anyone for either of you, make application to this Commission in the year 1896 for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any kind before today, for yourself, wife, or either of these children, or has any one ever

Jack Camel et al---3

made an application for you or for your mother? A Yes, three years ago at Carthage.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife Kate and minor child Alelis as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 40, also upon page 39 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 133, 134, and 135 respectively thereon; also that application was made to the Commission on the same date at Carthage, Mississippi, for the identification of Sallie Camel as a Mississippi Choctaw, her name appearing on M.C.C. Field No. 41, also on page 39 of the schedule being number 136.

Q Is the name of your oldest child Alelis or Elexis? A Elexis.

Q Was this application made for yourself and your family and your mother three years ago the only application of any kind that has ever been made for any of you? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife, three minor children and your mother, under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Did your mother give you authority to make this application in her behalf? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here from the Government.

Q Are you familiar with that 14th article and do you understand it thoroughly? A Yes.

Q You have heard that 14th article explained, have you? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under it? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Were any of them living here at that time? A If they did, I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did, I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of the treaty or under the supplement to that treaty? A I just don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government, at all? A I don't know.

Q Did you ever hear of any of them ever having gotten any money from the Government? A No.

Q So far as you know, were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians? A No.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory, that you know of? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837,

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providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this Commission in office, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here to Mississippi and hear the remainder of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know any one.

Q Have you any witnesses here today? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors by the Government of the United States covering land here in Mississippi? A No.

If you should find any witnesses whose testimony you de-

sire to have taken before the Commission in support of your application they may appear before the Commission at any of its appointments here in Mississippi this Winter or at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make in support of your application? A No.
- Q Have you any brothers living? A No. I aint got any full brothers-I got a half brother named Ike Moses.
- Q Is that all the half brothers you have? A Yes.
- Q By the same mother as yourself? A Yes.
- Q Did you ever have any brothers or half brothers who are now dead? A Yes.
- Q How many? A Just one.
- Q Did that one leave any children? A Yes.
- Q Are those children living now? A Yes.
- Q How many of them? A Three.
- Q What are their names? A Pauline Moses, Eastman Moses and Lelia Moses.
- Q Is that all? A My half sister dead.
- Q Did she leave any children? A Yes, several children I reckon.
- Q What are their names? A I don't know. I used to know them but on't now.
- Q Is their father living? A Yes.
- Q What is his name? A Wesley.
- Q Is that all the name he has? A Yes.
- Q Do you know whether he has ever been before the Commission? A I don't know.
- Q Do you know how many children there are living with him, children of your half sister? A No.
- Q And you don't know the names of any of them? A No.
- Q Have you named all the children of your half brothers and half sisters that are now living? A That's all.
- Q Are any of your wife's brothers living? A Yes.
- Q How many? A One brother.
- Q What is his name? A Williamson Sam.
- Q He is not married, is he? A No.
- Q Has she any brothers dead? A Yes.
- Q Did any of those brothers leave children? A One child.
- Q What is the name of that child? A Bob Sam.
- Q With whom does that child live now? A Nicholas Charles.
- Q What is the name of the child's father? A Cephus Sam.
- Q What is the name of its mother? A Lotie.
- Q Is that all? A Yes.
- Q Has your wife any sisters living? A One sister living.
- Q What is her name? A Lela, usually called Lise.
- Q Has your wife any sisters who are now dead? A No.
- Q Are any of your father's brothers or sisters living? A Yes.
- Q How many? A One brother, his name is Wes Anos and he lives near Freetrade in Leake County. My father has one sister named Mary Jane Scott.
- Q Where does she live? A Near Freetrade.



Jack Camel et al---7

- Q Is that all your father's brothers or sisters who are now living?  
A Yes.  
Q Has he any brothers or sisters who are now dead? A No.  
Q Are any of your mother's brothers or sisters living? A She has a sister living.  
Q What is her name? A I don't know.  
Q Where does she live? A She is Wesley Johnson's wife, lives close to Edinburg.  
Q Is her name Nancy? A Yes.  
Q Are any of your mother's brothers or sisters now dead? A No.  
Q Are any of your wife's father's brothers or sisters living?  
A I don't know.  
Q Are any of the children of any of the deceased brothers or sisters of your wife's father living? A No.  
Q Are any of your wife's mothers brothers or sisters or any of their children living? A No.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw Interpreter.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 27th day of December, 1901, at Carthage, Mississippi.

*E. R. [Signature]*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.



THE  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20535

TO : DIRECTOR, FBI (100-388610)  
FROM : SAC, NEW YORK (100-100000) (P)  
SUBJECT: [REDACTED]

RE: NEW YORK TELETYPE TO BUREAU, 1/11/68.  
RE: NEW YORK TELETYPE TO BUREAU, 1/11/68.

ON 1/11/68, [REDACTED] ADVISED THAT [REDACTED] HAD BEEN  
CONTACTED BY [REDACTED] WHO OFFERED HIM \$50,000 TO  
ASSIST IN THE ATTEMPTED ASSASSINATION OF [REDACTED].

[REDACTED] REFUSED THE OFFER AND ADVISED THAT HE  
WAS NOT INTERESTED IN SUCH AN ATTEMPT. [REDACTED] STATED  
THAT HE WAS CURRENTLY EMPLOYED AS A [REDACTED] IN  
NEW YORK CITY.

[REDACTED] STATED THAT HE HAD NO OTHER  
CONTACT WITH [REDACTED] AND THAT HE WAS NOT  
AWARE OF ANY ATTEMPT TO ASSASSINATE [REDACTED].

[REDACTED] STATED THAT HE WAS CURRENTLY  
EMPLOYED AS A [REDACTED] IN NEW YORK CITY.

[REDACTED] STATED THAT HE HAD NO OTHER  
CONTACT WITH [REDACTED] AND THAT HE WAS NOT  
AWARE OF ANY ATTEMPT TO ASSASSINATE [REDACTED].

[REDACTED] STATED THAT HE WAS CURRENTLY  
EMPLOYED AS A [REDACTED] IN NEW YORK CITY.

A black and white sketch of a face, focusing on the eye and mouth. The eye is large, dark, and highly expressive, with thick, sweeping lines for the eyelids and a small, defined pupil. The mouth is wide open in a large, dark, irregular shape, suggesting a scream or a state of intense emotion. The sketch is done with bold, dark lines on a light background.

FEB 14 1963

3

Identified Mississippi Choctaws now being prepared by this Commission.

Chairman.

Enc. V.C.N. 4428

COPY.

Muskogee, Indian Territory, March 11, 1903.

Jack Camel,

Saint Anna, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Kate Camel, your minor children, Eloxis Camel, Wiley Camel, and Serena Camel, and your mother, Sallie Camel, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tame Dixey*

Chairman.

Registered.

Enc. 4428.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

*Identification*  
Application for Enrollment of

INFANT CHILD

*Wiley Camel*  
~~Wiley Camel~~

~~Nation.~~

Approved, 190

Commissioner.

*See Miss Choc Park Guild No 40.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 15 1902

*[Signature]*  
ACTING CHAIRMAN.

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Monticelton</sup> ~~citizenship~~, as a citizen of the ~~Nation~~ <sup>Nation</sup> of *Wiley Camel*, born on the *22* day of *December*, 1899.  
Name of Father: *Jack Camel*, a citizen of the ~~Nation~~ <sup>Nation</sup>.  
Name of Mother: *Kate*, a citizen of the ~~Nation~~ <sup>Nation</sup>.  
Post-office, *Saint Anne, Miss.*

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*State of Mississippi*  
*County of Pearl*

I, *Kate Camel*, on oath state that I am *22* years of age and a citizen of *Full Blood* of the *Choctaw Indian* Nation; that I am the lawful wife of *Jack Camel*, who is a citizen of *Full Blood* of the *Choctaw Indian* Nation; that a *male* child was born to me on the *22* day of *December*, 1899; that said child has been named *Wiley Camel*, and is now living.

WITNESSES TO MARK

(Must be Two)  
(Witnesses)

*Kate Trubled*  
*R B Neils*

*Kate Camel*  
mark

Subscribed and sworn to before me this *3* day of *Jan*, 1902.

*H. P. Truflett*  
NOTARY PUBLIC

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

*State of Mississippi*  
*County of Pearl*

I, *Jack Camel*, on oath state that I attended on Mrs. *Kate Camel* my wife on the *22* day of *December*, 1899; that there was born to her on said date a *male* child; that said child is now living and ~~has~~ <sup>has</sup> been named *Wiley Camel*.

WITNESSES TO MARK

(Must be Two)  
(Witnesses)

*My L. Emerson*  
*John L. Brown*

*Jack Camel*  
mark

Subscribed and sworn to before me this *23<sup>rd</sup>* day of *December*, 1902.

*L. D. Mosely, Clerk*  
*U. S. Circuit Court at St. Louis*  
*By [Signature] etc.*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

Application for ~~Enrollment~~ *Identification* of

INFANT CHILD

*Lucena Camel*

~~is a citizen of~~

Approved: \_\_\_\_\_ 190  
FOR IDENTIFICATION AS  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
JAN 15 1902

*See Miss Cho Card Card No 40.*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

Acting Chairman.

See Miss Chas Card. Will No 40.

BIRTH AFFIDAVIT.

20

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification  
I, *RE* Application for *Identification* as a *citizen of the* *Nation*,  
of *Serena Camel*, born on the *18* day of *October*, *1901*.  
Name of Father: *Jack Camel*, a citizen of the *Nation*.  
Name of Mother: *Kate*, a citizen of the *Nation*.  
Post-office, *Saint Anne, Miss.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*State of Mississippi*  
*County of Leake*

*Kate Camel*, on oath state that I am *22* years of age and a *Full Blood* of the *Choctaw Indian* Nation; that I am the lawful wife of *Jack Camel*, who is a *citizen of the* *Choctaw Indian* Nation; that a *Female* child was born to me on the *18* day of *October*, *1901*; that said child has been named *Serena Camel*, and is now living.

WITNESSES TO MARK

*Kate Camel*  
*R. B. Mosley*

*Kate Camel*  
mark

Subscribed and sworn to before me this *8* day of *Jan.*, *1902*.

*F. P. Truford J. P.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

*State of Mississippi*  
*County of Leake*

*Jack Camel*, on oath state that I attended on Mrs. *Kate Camel*, my wife, on the *18* day of *October*, *1901*; that there was born to her on said date a *Female* child; that said child is now living and has been named *Serena Camel*.

WITNESSES TO MARK

*Dr. L. B. Mosley*  
*John L. Rivers*

*Jack Camel*  
mark

Subscribed and sworn to before me this *23<sup>rd</sup>* day of *December*, *1901*.

*L. B. Mosley Chas*  
*U.S. Circuit Court at St. Louis, Mo.*  
By *John L. Rivers*



For Identification as a Mississippi Choctaw.  
 (Carthage Miss.)

Mr. Dick Oames

no. 23

Mr. Oames, I have the honor to acknowledge the receipt of your letter of the 10th inst.

From ~~Camel~~ Camel Oames

Mr. Oames, I have the honor to acknowledge the receipt of your letter of the 10th inst.

10th inst. I have the honor to acknowledge the receipt of your letter of the 10th inst.

Yours truly,  
 J. H. Oames

(Sd)

a

Camel

Camel 4

Two 2

Carolina 270.

Sd

...

...

...

Values.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Jack Camel et al.*

COPY OF [unclear] FOR THE  
APPLICANT

Choctaw MCR 4429

Ed Hoskins

See MCR 4382

MCR 4429

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 28, 1901.

#4429

-----c0e-----

In the matter of the application of Ed Hoskins for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Ed Hoskins, being first duly sworn, on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Ed Hoskins.  
Q What is your age? A Twenty-three.  
Q How much Choctaw blood do you claim? A Well, I don't exactly know how much.  
Q Then you don't know how much you claim? A No sir, my mother's a Choctaw, and my father claims Choctaw, both.  
Q How much? A About an eighth I think.  
Q They claim one-eighth each? A Yes sir.  
Q Then don't you think you should have about one-eighth yourself, if they both have one-eighth? A I think so.  
Q What is your post office address? A Muskegee, Indian Territory.  
Q How long have you lived in Muskegee? A Well, seventeen or eighteen years in the Territory, but not in Muskegee; in the Territory that long; in Muskegee twelve or thirteen years.  
Q Where were you born? A Montgomery County, Mississippi.  
Q Did you ever live anywhere else besides Mississippi and the Indian Territory? A Lived in Little Rock.  
Q How long did you live there? A I don't know, sir; I was small at the time I lived there.  
Q You moved from Little Rock to the Indian territory? A Yes sir.  
Q Did you ever live in the Choctaw Nation, Indian territory?  
A No sir.  
Q What is your father's name? A Sam Hoskins.  
Q Is he living? A Yes sir.  
Q How old is he? A He's fifty-five or fifty-six last Christmas day; I am not sure--fifty-five or fifty-six, but its one of the two.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Adaline Hoskins.  
Q How old is she? A About forty-eight.  
Q Through which one of your parents do you claim your Choctaw blood? A By both.  
Q Where does your father and mother live? A In Muskegee.  
Q How long have they lived there? A Here in Muskegee about twelve or thirteen years.  
Q Where did they live before they came to Muskegee? A Little Rock.  
Q Arkansas? A Yes sir.

Ed Hoskins--2.

- Q Where did they live before that? A Mississippi.
- Q Were they both born in Mississippi? A I presume so.
- Q Do you know? A I don't know positively, but I know he gets mail from there, and has brothers and sisters in Mississippi.
- Q Do you know whether your father and mother were born in Mississippi or not? A I know my mother was, and I am not positive about my father.
- Q Has your father or your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Were your father and mother legally married? A Yes sir.
- Q When and where were they married? A They's married in Mississippi; I don't know how long they been married; thirty-three years is what he tells me.
- Q Were they married under a marriage license? A Yes sir.
- Q Were they married by a minister or an official? A By a minister.
- Q What place in Mississippi were they married? A Montgomery County.
- Q Have you their marriage license and certificate with you?
- A No sir.

Claiming Choctaw blood through your father and mother both, it will be necessary for you to file with this Commission legal evidence of the marriage of your father and mother. You can do that by filing the original marriage license and certificate or a certified copy of it.

- Q Are you married? A No sir.
- Q Then this application is for yourself alone, is it? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Wouldn't you know if your name was on the tribal rolls of the Choctaw Nation in Indian Territory? A If it was put on lately I would know it.
- Q You have never authorized any one to put it on for you?
- A No sir.
- Q Never authorized any one to make application for you?
- A No sir.

The rolls of the Choctaw Nation in possession of the Commission examined, and the name of this applicant not found thereon.

- Q Did you, or any one for you, in the year 1896, make application to the Dawes Commission to be admitted to citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Not before now, no sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory,

Ed Hoskins--3.

under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th of September, 1830?  
A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi. At the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to move to this new country, but preferred to remain in the old Choctaw Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

The fourteenth article required that if a Choctaw desired to remain in what constituted the old Choctaw Nation and become a citizen of the states and receive lands from the government under its provisions, he should, within six months from the ratification of that treaty--the treaty was ratified on the 24th day of February, 1831--go to the Indian Agent in Mississippi and signify to him or tell him that he wanted to remain in the state and become a citizen of the states and accept lands under the provisions of this article. After doing that he would be entitled to a reservation, as head of a family, of a section, or six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family unmarried and over ten years of age he was entitled to one half that quantity, or three hundred and twenty acres of land; and for each child under ten years of age he was entitled to one quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement that the head of the family might own at the time the treaty was entered into--September 27th, 1830.

Ed Hoskins--4.

This article also required that after a Choctaw had received lands under this article he should reside upon the lands for a term of five years, after which time the government would give him a title in fee simple enabling him to dispose of the lands at his pleasure. The last clause of this article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw Indian who remained in the state of Mississippi and took lands under this article and resided upon said lands for a term of five years, did not forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, but did lose his right to claim any portion of the Choctaw annuities. Annuities were money paid by the government to the Choctaw tribe of Indians under treaty provisions.

- Q Do you think you understand that article as I have read it and explained? A Yes sir, I think I understand some parts of it.
- Q What part do you not understand, and I will make any explanation you want now in such portions as you do not understand?
- A This part about living on the land five years; did you have to live on it for five years before you had a right to that portion of land?
- Q Any Choctaw who wanted to remain in the old Choctaw Nation in Mississippi and who went before the government Agent in Mississippi and told him he wanted to remain there and take lands under this article, was given lands when his name was duly registered and reported to the government. After receiving his lands he was required to live on the lands for five years before they became his own. Do you understand that portion of it now?
- A Yes sir.
- Q Now which one of your Choctaw ancestors, or the ancestors of your father and mother, lived in Mississippi in the old Choctaw Nation at the time this treaty was made--the 27th of September, 1830? A Which one?
- Q I mean both of them; the ancestors of both your parents; their fore-parents; your grandmother, your grandfather? A My grandmother lived in Mississippi in Montgomery County; my mother's mother; I don't remember my father's mother.
- Q You don't know anything about your father's ancestors?
- A No sir.
- Q Now what is the name of this ancestor of your mother who lived in Mississippi in 1830? A McChristian.
- Q Was she your grandmother on your mother's side? A Yes sir.
- Q How much Choctaw blood did she have? A I don't know, sir.
- Q What was her given name? A Ellen--Ellen McChristian.
- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I couldn't tell you.
- Q Do you know whether any of your Choctaw ancestors was recognized members of the Choctaw tribe of Indians at that time?
- A I do not.
- Q Did any of your Choctaw ancestors ever comply with or attempt to comply with any of the provisions of this fourteenth article?
- A No sir, not as I know of.
- Q Did any of your Choctaw ancestors own any improvements at that time on what constituted the old Choctaw Nation in Mississippi



Ed Hoskins--5.

and Alabama? A Not that I knows of.

- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838, at the time the Choctaws moved to the new Choctaw Nation? A Not that I knows of.
- Q Did any of your Choctaw ancestors go before the government Agent in Mississippi within six months from the time the treaty was ratified, that is, within six months from the 24th day of February, 1831, and tell him they wanted to stay and take lands under this fourteenth article? A Not that I knows of.
- Q Did any of your Choctaw ancestors ever receive any land in the old Choctaw Nation in Mississippi and Alabama from the United States under the provisions of any other article than this fourteenth article? A Not that I knows of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of the fourteenth article? A Not as I knows of.

In accordance with the provisions of this fourteenth article the government directed an Agent in Mississippi to register the names of all of the Choctaws who wanted to remain in the state and become citizens of the states. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation in Mississippi and Alabama and take advantage of the provisions of article fourteen of this treaty. On this account, in many instances, the lands on which the Choctaw Indians had improvements and which they desired to reserve for them under the fourteenth article, was sold by the government at its public land sales and the Choctaws were deprived of their lands. This action caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress, and Congress, under various Acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a great number of claims; some of which they allowed, and some they rejected. Of the claims allowed, if approved by the Secretary of War and the President, and if the lands had not been sold, the Indians were put in possession of them. If, however, the lands had been sold and the Choctaws established their claims to them under this fourteenth article, they were given scrip in lieu of the lands that had been sold, and under this scrip they were entitled to locate on vacant government land in the state of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors either on your mother's side or your father's side, own any lands in any of these states?
- A Any Choctaw lands?
- Q Yes sir? A No sir.
- Q Or lands of any kind? A No sir, not as I knows of.
- Q Did any of your Choctaw ancestors go before any of these Commissions and attempt to establish their claim to lands as Choctaw Indians under the provisions of this article fourteen?
- A No sir.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government for lands which they had established their claims to, and which had been sold by the government at its public land sales? A Not as I know of.



Ed Hoskins--6.

- Q So far as you know, did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians? A Not that I knows of.
- Q So far as you know, were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I knows of.
- Q Do you know of any witnesses that you can bring before the Commission to testify that your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A Saw one gentleman, an old gentleman in Wagoner, but don't know as I can find him.
- Q What is his name? A Don't know.
- Q How do you know that he can testify to this fact? A Well, I had a talk with him over in Wagoner; he heard my name called and he said he knew my people in Mississippi.
- Q Your name was called Hoskins, was it? A Yes sir.
- Q And he knew Hoskins in Mississippi? A Yes sir.
- Q Did he give the names of any of those Hoskins in Mississippi? A Yes sir, he give the names of my father and mother.
- Q Your mother and father were not born in 1830, according to the ages you give? A No sir.
- Q And how could he testify that your father and mother was living in Mississippi in 1830? A He was an old gentlemen, and I presume by him knowing my father and mother that he knew some of the rest of them.
- Q Do you know whether you can get this old gentleman to come before the Commission to testify that your people lived in Mississippi in 1830? A If I could find him I think he would come and testify.
- Q Do you know of the existence of any documentary evidence, I mean by documentary evidence any papers of any kind, deeds to lands, patents to lands, that would tend to show that your Choctaw ancestors received lands from the United States government as Choctaw Indians? A Do I know of any?
- Q Yes sir? A No sir.
- Q Do you know of the existence of any papers of any kind that would tend to show that your ancestors lived in Mississippi in 1830, and were recognized members of the Choctaw tribe of Indians at that time? A No, I do not.
- Q Have you any witnesses that you want to bring before the Commission to-day? A No sir.
- Q Have you any written evidence that you want to file to-day?
- A No sir. Would it be necessary for me to get some written evidence or a lawyer?

No, it isn't necessary to employ a lawyer. The Commission will give you every facility for proving your case, but you must understand that you are applying for valuable property rights and that your unsupported statement will carry little weight with it, and you should get all the evidence you can to prove that your ancestor through whom you claim a share to the lands of Indian Territory, did comply with the provisions of the fourteenth article of this treaty which I have read and explained to you. You do not know of your ancestors complying with that treaty. Your claim that you have a right, as it now stands, is unsupported by any proof.

- Q Is there any further statement you desire to make? A No sir.

Ed Hoskins--7.

- Q Do you speak or understand the Choctaw language? A No sir.  
Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaws?  
A Yes sir, Sam Hoskins.  
Q What relation is Sam Hoskins to you? A My father.  
Q What is the name of the other one? A Josie Kidd.  
Q What relation is she to you? A My sister.  
Q Do you desire the evidence in their cases to be considered as part of the evidence in your case? A Yes sir.

Reference is made to M.C.R.4382, Sam Hoskins; Josie Kidd, M.C.R.4391.

- Q You have testified that your father Sam Hoskins was possessed of one-eighth Choctaw blood; now what was the other seven-eighths? A Couldn't say anything about seven-eighths.  
Q I say what kind of blood was the other seven-eighths?  
A Why I don't know, sir.  
Q You have testified that your mother was possessed of one-eighth Choctaw blood; what other blood did she have? A Colored.  
Q Was your mother a slave? A No sir.  
Q Were any of her fore-parents slaves? A If they was I didn't know it.

The applicant has black kinky hair, the features and appearances of a person possessed of white and African blood, African predominating; does not speak or understand the Choctaw language, and has no knowledge of his ancestors beyond his father and mother, and doesn't know of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 28th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Subscribed and sworn to before me this 31 day of December, 1901.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory, October 14, 1902 .

El Hoskins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

|                      |             |
|----------------------|-------------|
| Sam Hoskins, et al., | M.C.R. 4429 |
| Josie Kidd,          | M.C.R. 4491 |
| Barney Hoskins,      | M.C.R. 4507 |
| Ed Hoskins,          | M.C.R. 4523 |
| Allie Gray,          | M.C.R. 4578 |

These applications were made under the provision of the act of Congress of June 25, 1902, (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands and a article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary to do so, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adeline Hoskins, Fannie Hoskins, Lucy Hoskins, Willie Hoskins, Mary Hoskins, Josie Kidd, Barney Hoskins, Ed

E. H. ---2

Hoskins and Addie Gray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner of Indian Affairs.

Registered.

Muskogee, Indian Territory, December 9, 1901.

Mr. Jackson,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 28th day of November, 1901, the Secretary of the Interior affirmed the decision of this Commission affirming the applications for identification as "Harris" of the several persons included in the consolidated case of Sam Hopkins, et al., of which I advised you and which by registered mail on the 14th day of October, 1902.

Very truly,

Noting Chairman.

For Identification as a Mississippi Choctaw.

DEC 28 1971

Name *Ed. H. H.*

Age *22* Race *Red*

Post Office *Indian Creek*

Father *John H. H.*

Mother *Adeline H. H.*

*both parents*

Ch. No.

*Ch. No. 101*

Stenographer

*H. H. H.*

Choctaw MCR 4430

Sarah M. Bailey

See MCR 1787

MCR 4430

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. December 30, 1901.

4430.

In the matter of the application of Sarah M. Bailey for identification as a Mississippi Choctaw.

---Applicant represented by S. Heard, attorney---

Sarah M. Bailey, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sarah M. Bailey.  
Q What is your age? A Going on fifty seven.  
Q What is your post office address? A Ora  
Q Where is that? A Palo Pinto county, Texas.  
Q How long have you lived in Texas? A Ever since 1879  
Q Maintained a continuous residence there since then? A Yes sir, we have a small one.  
Q Where did you live before that? A Mississippi.  
Q How long did you live in Mississippi? A I was born and raised there.  
Q Lived in Mississippi up until the time you moved to Texas? A Yes sir.  
Q Where were you born? A In Mississippi.  
Q What place? A I was born in Itawamba county.  
Q What part of the state is that in? A Northern part.  
Q What is your father's name? A Eli Sanders.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Her name Nancy Ann Sanders.  
Q Is your mother living? A No sir, she has been dead since I was a small child; I think that was her name.  
Q Through which one of your parents do you derive your Choctaw blood? A Father.  
Q Was your mother a white woman? A Yes sir, so far as I know; I was small when my mother died.  
Q How much Choctaw blood do you claim? A Claim one half, my father was Choctaw.  
Q How much Choctaw was your father? A My sister knows more about it than I do.  
Q How much Choctaw blood have you? A I guess if my father was a full blood Choctaw, I would be a half breed ~~with~~ wouldn't I?  
Q Was your father a full blood Choctaw? A Yes sir, that is what they told me.  
Q Who told you? A My folks told me that---my father in law.  
Q Are you married? A Yes sir.  
Q Is your husband a white man? A Yes sir.  
Q Are you making any application for him? A No sir, I didn't know whether I could or not.



Sarah M. Bailey-----2.

Q If he is a white man he wouldn't have any rights as an Indian would he? A I don't know whether he would or not.

Q Have you an attorney representing you? A No sir, this is the first time I have ever been in the territory; my sister lives in the territory.

The Commission: Mr Heard, do you represent this applicant?

Mr Heard: I don't know, I want to have the sister examined as a witness for her.

The Commission: Well, are you prosecuting this woman's claim?

Mr Heard: I don't know, she told me her sister was on the roll and I said her testimony would be necessary.

Q Your husband is a white man? A Yes sir

Q Do you want to make any application for him as a Choctaw Indian?

A No sir, I don't know whether I could or not.

Q We will hear any application you want to make? A I just come up here to make application?

Q Do you want to make application for yourself? A Yes sir.

Q Do you want to make application for your husband too? A Yes sir.

Q He is a white man? A Yes sir.

Q What kind of application do you want to make for him? A I don't know as I want to make any.

Q Do you or do you not---now, answer my question,---Are you going to make any application for him? A No sir.

Q Have you any children under twenty one years of age and unmarried?

A No sir, my children are grown.

Q You just want to apply for yourself? A Yes sir, and my children.

You cannot apply for your children because they are over twenty one years of age, and able to apply for themselves. What rights they may have, they will have to prosecute themselves.

Q Have you ever been enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of the Choctaw Nation? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in that nation? A No sir.

Q In 1896, this Commission was empowered by act of Congress of June 10, 1896, to hear and determine original applications for citizenship in the Choctaw Nation ---Did you or did any one for you make application to this Commission at that time? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever prior to this time or has any one for you ever made application of any description to the tribal authorities of the Choctaw Nation or to the duly constituted authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q This is the first application of my description that you have ever made? A Yes sir.

Q Do you appear before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Indians concluded September 27, 1830? A Yes sir.

Q Do you understand what the fourteenth article of the treaty of 1830 is? A I don't know sir.

Sarah M. Bailey-----.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians in Mississippi. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a portion of the state of Alabama. The object of the treaty was to secure the removal of the Choctaw Indians from the territory occupied ~~in~~ by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi river, but preferred to remain in Mississippi in what constituted the old Choctaw Nation. For the benefit of those Indians who desired to so remain, the fourteenth article was put into the treaty of 1830. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." What this means is that when the treaty of 1830 was made between the United States and the Choctaw Indians, those Choctaws in Mississippi and Alabama who did not want to remove west of the Mississippi river could remain in Mississippi and take land there and after residing upon the land five years could get a fee simple title to it. It also provided if they ever wanted to remove west and join the tribe in the territory, they should not lose the privilege of a Choctaw citizen. It would appear in order to be identified as a Mississippi Choctaw that it would be necessary for you to absolutely show that ~~as~~ you are the direct lineal descendant of a Mississippi Choctaw who did receive land from the government as a beneficiary under this fourteenth article of the treaty of 1830.

Q Do you think you understand that now? A Yes sir, I reckon so.

Q Do you or do you now---if there is anything about it you do not understand I want you to say so, so we can explain it to you? A If I was to come in, I would have to come in as a Mississippi.

Q That is what I am talking to you now about ---Do you understand what I told you. A Yes sir

Q Do you understand it perfectly? A I don't know whether I understand it perfectly or not.

Sarah M. Bailey-----4.

Q What is it you don't understand? A I just thought I would come and make application.

Q It is necessary that we find out what kind of right you have if you have any; the authority vested in the Commission is to identify as Mississippi Choctaws the descendants of those Indians who complied with the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians in Mississippi. I have endeavored to explain that to you---Do you understand this fourteenth article? A Yes sir, I understand it.

Q What was the name of your Choctaw ancestors who was a recognized member of the Choctaw tribe in Mississippi at the time this treaty was made? A I cannot tell you.

Q Did any of your Choctaw ancestors ever receive any land from the United States government in Mississippi or Alabama under the treaty of 1830? A If they did, I don't know it.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent their intention to remain in Mississippi and become citizens of the United States as required by the provisions of this fourteenth article?

A If they did, I don't know it.

Q You claim your Choctaw blood through your father, Eli Sanders?

A Yes sir.

Q When did he die? A He died since I left there.

Q What year did he die? A I don't recollect now.

Q About when was it? A I think he died about 1882.

Q How old a man was he when he died? A He was getting on in years; he was might old when I left there. I have heard him say he did not know his age.

Q Were your father and mother married? A Yes sir.

Q Where were they married? A Madison county, Alabama.

Q When? A I don't know, I couldn't tell you that.

Q Have you any evidence of that fact that they were married? A Yes sir, I reckon so.

Q What is it? A When I was a child I heard them speak about their marriage.

Q You have no evidence? A No sir, only just heard them speak about it.

Q What was your father's mother's name? A Campbell.

Q Her full name---given name? A George Campbell

Q I said your father's mother? A I don't know what it was.

Q Which one of your father's parents was a Choctaw Indian? A I just can't tell you. I never heard him speak but very little about his folks. His folks died when he was small and he was bound out.

Q What was the name of your Choctaw ancestor who was the head of a family and lived in Mississippi in 1830? A I can't tell you.

In accordance with the provisions of the fourteenth article of the treaty of 1830, the United States government directed the Indian Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report the names of many Choctaws who did in reality signify their intention to remain and become citizens. On this account in many instances the land upon which Choctaw Indians had improvements and which they desired reserved for them under that fourteenth article was sold by the government at its public land sale, and the Choctaws were de-

Sarah M. Bailey-----5.

prived of their holdings. This action of the government caused many complaints among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an act approved March 3rd, 1837, providing for the appointment of a Commission to go to Mississippi and hear evidence in cases where the Choctaws claimed they had complied with the provisions of the fourteenth article of the treaty of 1830 but had not receive land. By an act of Congress of February 22, 1838, this Commission was continued until August 1, 1839. This Commission was appointed by the President and the Commissioners went to Mississippi and heard a few of these Choctaw cases but in the time allowed by the acts of Congress under which they were appointed, they were unable to hear but a comparatively small number of these Choctaw cases. Prior to August 1, 1839, this Commission made its report. Congress later appointed another Commission by act approved August 23, 1842, and this second Commission also had authority to hear cases of Choctaws who claimed they had complied with the provisions of this fourteenth article of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837 or under the act of Congress approved August 23, 1842, and attempt to establish their rights under this fourteenth article of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas from the public domain, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip or certificate from the United States government in satisfaction of claims under the fourteenth article of the treaty of 1830? A No sir.

Q Upon what do you base your claim at this time to identification as a Mississippi Choctaw? A I base my claim upon the rest of the Choctaws applying for them a claim.

Q Upon what ground do you think you have any right? A I don't know whether I have any or not.

Q What is your ground for making this application? A Because I am a Choctaw.

Q Have you any proof that your people were recognized Choctaw Indians? A No sir.

Q Have you any papers, any copies of records, or deeds or patents, or anything that would show that your ancestor was in any manner a recognized member of the Choctaw tribe of Indians? A I have got nothing at all.

Q Can you speak the Choctaw language? A No sir, I never tried it.

Q What do you mean by never trying it? A I never spoke it.

Q Have you any knowledge of it? A No sir, I don't know as I do.

Q What do you mean by saying that you don't know as you do--Have you any knowledge of the Choctaw language? A No sir, I have not.

The applicant in this case has the appearance of being descended

Sarah M. Bailey-----6.

from white parentage, with none of the features or characteristics of a Choctaw Indian. She is unable to understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Q Have you any witnesses here in person whose testimony you desired to have presented in your case? A I have my sister here.

Ann Thompson, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows:

Examination by Mr Heard, attorney for applicant:

Q What is your name? A Ann Thompson.  
Q What is your post office address A Hartshorne.  
Q Indian Territory? A Yes sir.  
Q Choctaw Nation? A Yes sir.  
Q Are you a recognized citizen of the Choctaw Nation? A Yes sir.  
Q When were you enrolled? A At Hartshorne when the Dawes Commission were there, me and three children.  
Q Three years ago? A Yes sir.  
Q Do you know that lady there? A Yes sir.  
Q What relation is she to you? A My own sister; there are seven of us and she is the youngest.  
Q What was your father's name? A Eli Sanders.  
Q Was he a Choctaw Indian? A Yes sir, I had two witnesses and they both swore he was Choctaw.  
Q Do you know about when he died? A I think as high as I could recollect eighteen years ago.  
Q Was your mother a Choctaw or a white woman? A White woman, her name was Campbell.  
Q What blood did your father have? A Choctaw.  
Q About how much? A Full blood.  
Q Do you know about how old he was when he died? A Just lacked five years of being one hundred years old.  
Q How many of your people are on the Choctaw rolls? A Just me and my three children; two of my children are back in Mississippi. I have got two down yonder with me.  
Q Are they on the rolls? A No sir, came here after I applied. My other son is living in Parker county.  
Q Do you know whether or not your father ever signified his intention to the United States Agent in 1831 to remain in Mississippi under the treaty, fourteenth section? A Yes sir, he wouldn't come out here.

By The Commission:

Q How do you know that? A They said so.  
Q Do you know that your father ever went to the Indian Agent in Mississippi and signified to him his intention to take advantage of the provisions of the fourteenth article of that treaty? A He said he didn't want to come.  
Q You have no knowledge other than that? A No sir, that is all, he wanted to remain in that country.



Sarah M. Bailey-----7.

Q How did you become a citizen of the Choctaw nation? My father's name was on the book, that is how it came.

Q Did you ever draw any payments from the Choctaw tribe of Indians?

A No sir.

Q Have you any children? A Yes sir.

Q Have your children ever been granted any of the privileges of schools in the Choctaw Nation? A No sir.

Q Were you not admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory at South McAlester? A Yes sir.

Q Up to that time you had never been considered as a member of the Choctaw tribe by the tribal authorities? A No sir.

Q You made application to the Dawes Commission in 1896 under the act of June 10, 1896? A Yes sir.

Q Was your sister a party to that application? A No sir, she was not in it.

Q She was not admitted to citizenship in the Choctaw Nation by judgment of the United States Court admitting you? A No sir.

(Witness Excused)

Sarah M. Bailey, the applicant, being re-called, testifies as follows:

Examination by the Commission:

Q Are you making your claim and relying upon the fact that your sister Ann Thompson has been admitted to citizenship in the Choctaw Nation by the United States Court in Indian Territory? A No sir, I just thought I would put in a claim.

Q What is your claim? A I want to see if I could get anything.

Q On what grounds do you think you have any right here? A Just the Indian in me.

Q What is your purpose of having your sister testify? A I thought she would be a good witness for me; I didn't know, I never was in a court room before in my life, and I didn't know what I would have to do.

Ann Thompson, the sister of the applicant, who has been presented as a witness in support of this application, was admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory rendered at South McAlester, Indian Territory, August 30, 1897.

(Applicant Excused)

Ann Thompson, witness, recalled for further examination, testifies as follows:

Examination by Mr Heard:

Q You say your father's name was found on the rolls? A Yes sir, that is what my oldest son who lived at Wister wrote me, and told me to come out here.

Q What do you mean by found on the rolls? A It was on the book at Fort Smith.

Q The Indian rolls? A Yes sir, that is all I know.

Sarah M. Bailey-----8.

By the Commission:

Q What do you mean by the Indian rolls? A I don't know anything just that.

Q You have no knowledge at all? A No sir, I don't know anything about it.

Q Are you referring to the rolls made by the Dawes Commission? A Yes sir, I had Mr Ross fix my papers up and send to the Dawes Commission and they were rejected and came back because I didn't have no lawyer against me.

Q Was Mr Ross your attorney? A Yes sir.

(Witness Excused)

Sarah M. Bailey, recalled:

By the Commission:

Q Have you any relatives who have made application to this Commission for identification as Mississippi Choctaws within the last two years?

A I don't know sir.

Q You don't know of any? A No sir.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 30th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 2nd day of January, 1902.

*Wm. H. Risteen*

Notary Public.

7.3.2.430.

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It is therefore "the index of the conspirator."



U. S. D., 2.

that the evidence herein is insufficient to determine the identity of Hollie Hopkins, Guss Wooldridge, William A. Wooldridge, Susan Wooldridge, Viola Wooldridge, Winton Wooldridge, Katie Wooldridge, Otis Wooldridge, John Wooldridge, John Wooldridge, James T. Horton, Robert Horton, Robert Horton, Lucy Horton, Fanny (or Fannie) Horton, Katie Horton, Violet Horton, Eli Horton, Fanny Coggins, Hollie Coggins, Sam Coggins, Collie Coggins, Robert Coggins, Robert Coggins, Myrtle Coggins, Sam Coggins, Callie Coggins, Luther Coggins, Viola Coggins, Jesse L. Horton, Clara Horton, Charley Horton, Clarence Horton, James H. Horton, Attie M. Wooldridge, Miss Myrtle Wooldridge, and Sarah M. Bailey. The Court has ruled that the provisions of Article fourteen of the treaty of 1866, which provided that the collection of such identification as such should be refused, and it is so ruled.

You are further advised that you will be allowed fifteen days from the date of this order to file documents in this office, and that the collection of such identification as such should be refused, and it is so ruled. All documents for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 3, 1903.

A. J. Shofner,  
Postmaster,  
Ora, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, advising that you have on hand registered letter No. 4818 from this Commission, addressed to Sarah M. Riley, and that you are unable to make delivery of same.

In reply to your letter you are informed that if after diligent effort you are unable to locate the addressee and make delivery of the letter, you may return the same to this office.

Respectfully,

Acting Chairman.

RECEIVED  
MAR 15 1903  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.

RECEIVED  
MAR 15 1903  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.

M.C.R. 4430

Muskogee, Indian Territory, March 14, 1903.

Sarah M. Bailey,  
Ora, Texas.

Dear Madam:

You are hereby notified that on the 5th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Hopkins, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,



Chairman.

M C R 4430

Muskogee, Indian Territory, July 3, 1906.

Sarah Margaret Sanders,  
Gran, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th ultimo, requesting to be furnished 14 blank applications for the enrollment of infant children. You state your claim as a Mississippi Choctaw has been proven before the Daves Commission but has been held up for some reason and you desire to be advised in regard to the matter.

In reply you are informed that your case was decided adversely by the Commission to the Five Civilized Tribes December 4, 1903. This decision was affirmed by the Secretary of the Interior March 5, 1905. As it does not appear that any further action has been taken relative to your identification as a Mississippi Choctaw your case is considered closed, and it is not believed that you are in any manner entitled to share in the allotment of lands in the Choctaw-Choctaw country.

You are further informed that there is now no chance to secure a reopening of your application, as the time within which motions for reopening in Mississippi Choctaw cases could be filed

S M S 2      °

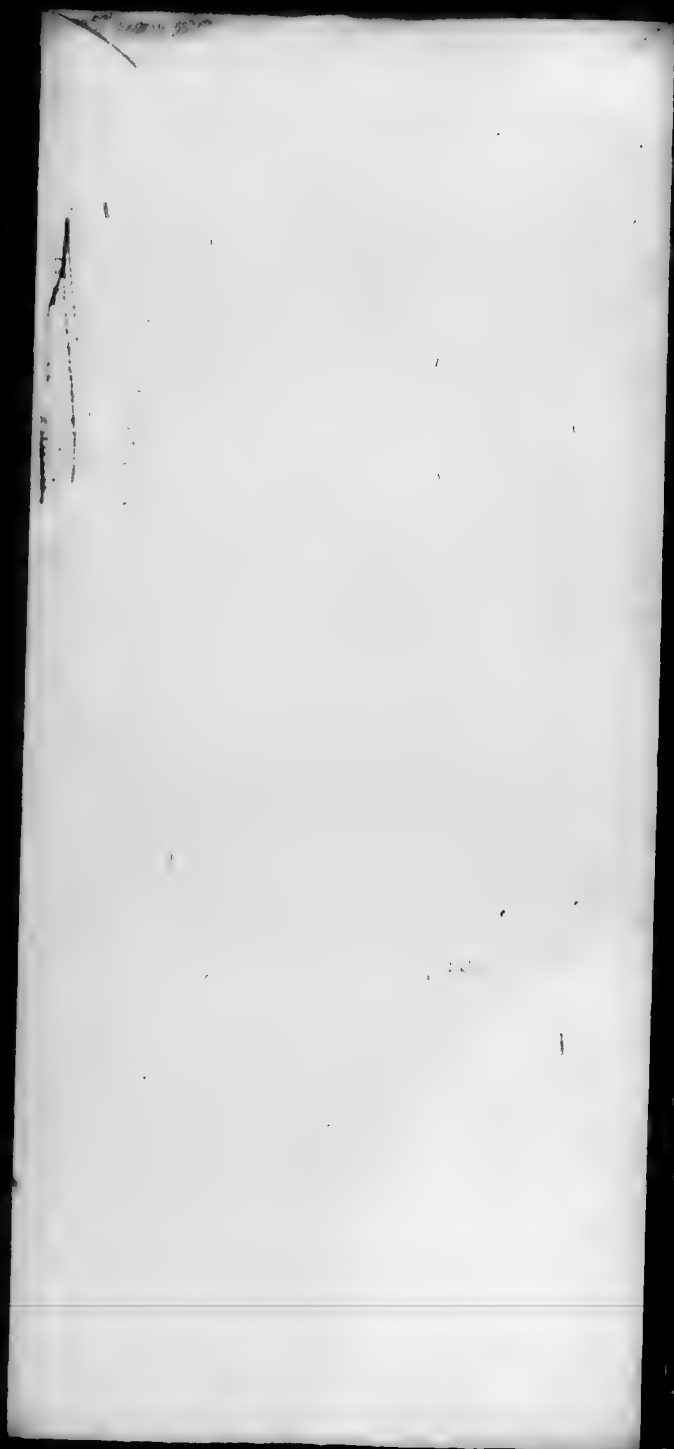
expired June 25, 1906.

Fourteen blank applications for the enrollment of infant children are herewith enclosed, which you may fill out and transmit to this office if you still insist on making application for the children.

Respectfully,

Commissioner.

14 B.C.





Department of the Interior

Commissioner of the General Land Office

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



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Department of the Interior.  
Bureau of the Five Civilized Tribes.  
MUSKOGEE, IND. TER.  
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*Handwritten notes and signatures, including the word "The" and other illegible markings, located in the bottom right corner.*

General Office  
Notice of Detention in Case of  
Minnie Watkins &c.

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7

Return to  
writer  
will find

Penalty for private use, \$300.

OFFICIAL BUSINESS

MUSKOGEE, IND. TER.

Department of the Interior.  
Division to the Five Civilized Tribes.

No. 4150

For Identification as a Mississippi Choctaw.

Date DEC. 24 1901

Name *John W. Jones*

Age *27* Birth *1874*

Post Office *W. S. Adams*

Ethnic *Choctaw*

Mother *Elizabeth (L.) Jones*

*Choctaw*

~~Children~~

*John W. Jones*

Stenographer *H. C. Foster*

Choctaw MCR 4431

Mary J. Wood

See MCR 1056

MCR 4431

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. December 31, 1901.

4431

In the matter of the application for identification as Mississippi Choctaws of Mary J. Wood for herself and her two minor children Ivy Olah and Jessie E. Wood.

Applicants not represented by attorney.

Mary J. Wood being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary J. Wood.  
Q Is that W-o-o-d? A Yes sir.  
Q What is your age? A Thirty-one.  
Q How much Choctaw blood do you claim to have? A One-sixteenth.  
Q What is your post office address? A Shawnee at present.  
Q That Indian Territory? A No sir that is Oklahoma.  
Q How long have you lived there? A But a short time.  
Q Where did you live before you went there? A West Kansas.  
Q Were you born in Kansas? A Yes sir.  
Q Ever live anywhere else except Kansas and Oklahoma? A No sir, only we lived a short time at places but not enough to mention.  
Q Is Shawnee your permanent home now? A Why for a while, I don't know how long we will live there.  
Q Is your father living? A Yes sir.  
Q What is his name? A Cyrus H. Fix.  
Q How old is he? A I forgot his age, exactly.  
Q How old do you think he is? A He is in sixty somewhere but I can't say just what.  
Q You know in what year he was born? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary A. Fix.  
Q How old would your mother be if she were living now? A She was forty-nine when she died and she has been dead about four years I think.  
Q Then she would be about fifty-three years old if she were living now? A Yes that would be her age.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Why he has appeared here that is all, never did before.  
Q Were your father and mother legally married? A Yes sir.  
Q Where did they marry? A They were married in Missouri but I don't remember what town.  
Q Who performed the ceremony? A I could not say.  
Q Were they married under a marriage license? A Yes sir but they had only a marriage certificate.  
Q Have you that certificate of marriage with you? A No sir I have not.

It will be necessary that you furnish the Commission with the original marriage certificate or a certified copy of the same. A reasonable time will be given you in which to do so.

- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A John E. Wood.
- Q Does he make any claim to Indian blood? A No sir.
- Q You make any claim for him? A No sir.
- Q Have you any children for whom you desire to make application at this time? A Two.
- Q Give their names and ages please? A Ivy Olah Wood.
- Q How old? A Eleven.
- Q Next one? A Jessie E. Wood.
- Q Is that a boy or girl? A Girl.
- Q How old? A Ten.
- Q Is that all? A That is all.
- Q The application you make is for yourself and your two minor children is it? A Yes sir.
- Q Is your name or the names of your children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or did anyone for you or your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir I think not.
- Q Did you ever authorize any one to do so? A No sir I never did.
- Q Then your answer is that you have never made application? A I have never made application.
- Q Did you or any one for you or your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A I don't know that I understand that question.
- Q Did you or did any one for you or your minor children in the year 1896 make application to the Commission to the Five Civilized tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or any of your minor children to either the authorities of the Choctaw Nation, or the authorities of the United States to be admitted or enrolled as members of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands, Indian Territory, for yourself and these minor children under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty between the United States government and the Choctaw Indians made in Mississippi on the twenty seventh of September of that year? A Yes sir.

This treaty was entered into on the twenty-seventh of September eighteen hundred and thirty at a place called Dancing Rabbit Creek in Mississippi, between the United States government and the Choctaw tribe of Indians. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country which then constituted the old Choctaw Nation in Mississippi and Alabama to a new country West of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to remove to this new country but preferred to remain in the old Choctaw Nation

and for the benefit of that class of Indians this article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in what constituted the old Choctaw Nation in Mississippi and Alabama and become a citizen of the States and accept lands under its provisions, he should within six months from the ratification of the treaty, the treaty being ratified on the 24th day of February eighteen hundred and thirty one, go before the government agent there and signify to him, that is tell him that he wanted to remain in the old Choctaw Nation and take land under the provisions of the fourteenth article. After doing that each Choctaw head of a family was entitled to one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and for each child in his family unmarried and over ten years of age he was entitled to one half section or three hundred and twenty acres; and for each child under ten years of age he was entitled to one quarter section of one hundred and sixty acres. The reservation of the children to adjoin the reservation of the parent and the reservation to include any improvements owned by the head of the family at the time this treaty was made, that is the twenty seventh of September eighteen hundred and thirty. This article also required that after Choctaw had received this land as benefits under this article he should reside upon said land for a term of five years after which time the government would give him a title in fee simple, that is a title enabling him to dispose of his land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who complied with all the provisions of this article as to signifying his intentions of remaining in the State and accepting lands under the provisions of this article and residing upon the same for a term of five years, did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory but did lose any right to claim any portion of the Choctaw annuities. Annuities were moneys that were being paid to the Choctaw Indians under treaties between the United States government and the Choctaw Indians.

- Q Now do you think that you understand that article? A Not very well.
- Q What part of it don't you understand. I want you to thoroughly understand it; I will make you a further explanation of any part of it that you do not understand? A I don't understand any of it hardly.
- Q You understand that the treaty was made on the twenty-seventh of September eighteen hundred and forty? A Yes sir.
- Q And you understand that the Choctaws at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama? A Yes sir.
- Q You understand that when the treaty was made some of the Choctaws did not want to come to the New Country but wanted to remain in the old Country? A Yes sir.
- Q And that this article was put in there for the benefit of these Choctaws who wanted to stay; you understand that? A Yes sir.
- Q These Choctaws who wanted to stay had to go to the government agent in Mississippi and tell him that they wanted to stay and take land under this article; when they did that they would then be entitled to one section of six hundred and forty acres of land for each head of a family; and for each child in the family unmarried and over ten years of age one half section and a quarter section for each child under ten years of age? A That was in Mississippi?
- Q Yes in Mississippi; and the reservation to include any improvements that the head of the family owned at the time the treaty was made, that is the twenty seventh of September eighteen hundred and forty; then he must reside upon this land for five years in order to get a title to it from the government. After he had done all this he still retained his right to citizenship in the Indian Territory but did forfeit any right to claim any moneys paid to the Choctaws under treaty provisions, called annuities. Now do you think you understand it? A Yes sir I think so.
- Q Will any of your Choctaw ancestors ever comply with or attempt to comply with the provisions of this fourteenth article? A Not to my recollections.
- Q What is the name of your Choctaw ancestor who was living in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A Peter Pickayune.
- Q What relation was Peter Pickayune to you? A Well I can't say, he was a descendant, I don't recollect what it was.
- Q You claim your Choctaw blood from your father? A Yes my father's mother.
- Q Who did he get his Choctaw blood from? A His mother.
- Q What was her name? A Delilah Simons.
- Q Was that her married name or maiden name? A That is her maiden name.
- Q Who did Delilah Simons get her Choctaw blood from? A Peter Pickayune.
- Q If Simons was her maiden name how could she get her Choctaw blood from a man by the name of Pickayune? A She was a descendant from Peter Pickayune, I don't know just what.



- Q Was she a daughter of Peter Pickayune? A No.
- Q Who did Delilah Simons get her Choctaw blood from? A Why in her back I was too young to remember.
- Q Did your father have any brothers or sisters? A Yes sir.
- Q Have any older than himself? A Yes sir.
- Q How many do you know? A No I don't know their ages.
- Q Have you any idea how old your father's brothers or sisters would be at this time? A I don't know.
- Q How much older is your father's oldest brother or sister than he is? A I could not say.
- Q Was Delilah Simons married and the head of a family in 1830; you say your father is over sixty? A I think he is over sixty.
- Q Was any of your father's brothers or sisters born before 1830 or about that time? A I can't say. I never had the family record and don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in eighteen hundred and thirty? A I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi in eighteen hundred and thirty in what constituted the old Choctaw Nation? A I think so.
- Q Which one? A I could not say I don't remember.
- Q Did any of your Choctaw ancestors own an improvement at the time this treaty was made September twenty seventh, eighteen hundred and thirty; by improvement I mean did they own any land which had improvements on it such as houses, barns or fences? A I don't know.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation, Mississippi or Alabama to the New Choctaw Nation, Indian Territory at the time the Choctaws emigrated to this country between the years eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the time the treaty was ratified that is six months from the 24th day of February eighteen hundred and thirty-one go before the government agent in Mississippi and tell him that they wanted to stay in Mississippi and take land under this article? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land under this article? A Not to my knowledge they did not.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of all the Choctaws who wanted to stay in the old Choctaw Nation and take land under its provisions. The records of the government show that this agent failed to register a great many Choctaws who really did so before him and signified their intention to remain and become citizens of the States and take land. On this account in many instances the land upon which the Indians had improvements was sold by the government at the public land sales and the Choctaws were deprived of their land. This caused many complaints and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. These Commissions went to Mississippi and investigated a number of claims. Some of them they allowed and some they rejected. Of the claims they allowed if approved by the Secretary of War and by the President if the land had not been sold by the government the Indians were put into possession of it; if the land had been sold and the Choctaws

had established their claims to it before these Commissions they were given scrip in lieu of the land that had been sold and under this scrip the Choctaws could locate on vacant public lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your Choctaw ancestors go before any of these Commissions and attempt to establish claims to lands under this fourteenth article? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from any of these Commissioners which would entitle them to land in any of these states that I have named? A I don't know.
- Q Did any of your Choctaw ancestors own any land in the states of Mississippi, Louisiana, Alabama or Arkansas? A I don't understand that question. (Question repeated) A I don't know.
- Q Did any of your Choctaw ancestors own any land in the states of Mississippi, Louisiana, Alabama or Arkansas? A I don't know.
- Q So far as you know did any of your Choctaw ancestors ever receive any land from the government as Choctaw Indians? A I don't know.
- Q Have you any witnesses that you want to introduce to day? A No sir.
- Q Have you any written evidence; any papers that you want to file to day? A No sir.
- Q Do you know of any witness that you can bring before the Commission to testify as to your ancestors having received benefits as Choctaw Indians, that is received land from the government as Choctaw Indians? A I don't understand the question.
- Q Do you know of any one that you can bring before the Commission to testify that your ancestors received land from the government as Choctaw Indians? A I think I can get some.
- Q What are the names of these people that you think you can get? A You have to give me time to get them.
- Q You don't know the names of any of them now? A No sir.
- Q Do you know of the existence of any written evidence such as deeds to lands, or patents that would show that your ancestors ever complied with or attempted to comply with this fourteenth article? A No sir.
- Q Have you any relatives who have been before the Commission for identification as Mississippi Choctaws? A Yes sir.
- Q What are their names? A Jesse Fix that is my uncle.
- Q What are the names of some of the others? A My father, Cyrus H. Fix then my brother Leslie C. Fix.
- Q That is enough; they get their Choctaw blood from the same source that you do? A Yes my grandmother.
- Q You desire the evidence in their cases to be considered as part of the evidence in your records? A Yes sir.

Reference is here made to;

M. C. R. 1056 Cyrus C. Fix.

M. C. R. 1024 Jesse Fix.

M. C. R. 1065 Cyrus L. Fix.

- Q I don't see Leslie C. but I have Cyrus L. Fix here? A That is right that is it, I got it wrong.
- Q Do you speak or understand the Choctaw language? A No sir; I used to know some but have forgot it.
- Q Where did you gain the knowledge of Choctaw that you had? A I don't know whether it was Choctaw, I use to could talk Indian.
- Q Where were you living at the time you could talk the Indian language? A In Kansas.
- Q There were no Choctaws living in Kansas at that time? A No sir.

Q Then you are pretty sure that it was not the Choctaw language?  
A I could not say; my grandmother talked it but I did not learn it from her.

Q Did you know your grandmother? A Yes sir.

Q Did she ever undertake to teach you the Choctaw language? A No sir she never would talk to us children.

Q Is there any further statement that you desire to make? A I believe not. I believe there are some questions that I don't know and did not quite understand.

Q Will you tell me what you did not understand so that I can explain it to you? A I believe when you asked me the question about Peter Pickagune I don't believe I understood it.

Q I asked you who your grandmother Delilah Simons got her Choctaw blood from and you said you did not know you only knew that she was a descendant from Peter Pickagune? A Yes sir.

Q Then you don't know the name of Delilah Simons mother or father? A No sir I don't know. I am not certain.

4. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 31st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901. )

rotary Public.

COPY.

W.C.T.4431

Muskogee, Indian Territory, June 22, 1902.

Mary J. Wood,

Shawnee, Oklahoma.

Dear Madam:

You are hereby advised that on the 19th d. of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus L. Mix, et al., embracing the following application for identification as Micalappi Choctaws:

|                              |             |
|------------------------------|-------------|
| Cyrus L. Mix, et al.,        | W.C.T.1056, |
| Mary J. Wood, et al.,        | W.C.T.431,  |
| Cyrus L. Mix,                | W.C.T.1067, |
| Sarah Myrtle Bauman, et al., | W.C.T.1007, |
| Delila Jane Bush, et al.,    | W.C.T.4209, |
| William H. Bush,             | W.C.T.4207, |
| Delila J. Wein,              | W.C.T.4211, |
| John W. Bush,                | W.C.T.4212, |
| Lucy Mitchell, et al.,       | W.C.T.4204, |
| Isador Bush,                 | W.C.T.4213, |
| Nora Navarre,                | W.C.T.4214, |
| Jesse Mix, et al.,           | W.C.T.1054, |
| Willi . . . . .              | W.C.T.1055. |

These applications were made under the provisions of the Act of Congress of June 23, 1902 (31 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming residence in the Choctaw lands under article fourth of the Treaty

between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus E. Fix, Sarah E. Fix, James E. Fix, Taura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus E. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Reiner Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, Lawrence Mitchell, Lulu Mitchell, Agnes Mitchell, Isador Bush, Nora Navarro, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertrude Fix, William H. Fultz, Erma Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie F. Fultz as Choctaw Indians entitled to rights in the Choctaw land under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

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*(continued)*

Registered.

Commissioner in Charge.

UNITED STATES

DEPARTMENT OF THE INTERIOR

COMMISSIONER

WASHINGTON, D. C.

NOV 15 1902

DEPARTMENT OF THE INTERIOR

COMMISSIONER

M C R 4431

Muskogee, Indian Territory, November 15, 1902.

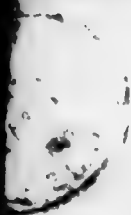
Mary J. Wood,  
Chawnee, Oklahoma.

Dear Madam:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

Acting Chairman.



FILED  
JAN 1941

*[Handwritten signature]*  
ATTEST

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



44.31

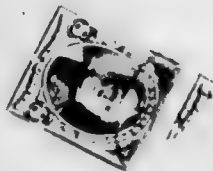
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LISTA



Department of the Interior.

MUSKOGEE IND. TER.

OFFICE BUSINESS

Penalty for private use, \$300.

66 5746

No. 4131

For Identification as a Mississippi Choctaw.

Date DEC 31 1911

Name Mary A. Wood

Age 51 Born 1860

Present office, Insurance Oklahoma.

Place of birth of her

Mother Mary A. Fin Read

father

Husband

John E. Wood

No. claim for him

Claim for self & 2 minor children

John Oak Wood 11

Stevie E. Wood 10

Stenographer & Notary Public

Choctaw MCR 4432

John H. Wooley

MCR 4432

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John H. Wooley, et al., for identification as Mississippi Choctaws, M.C.R. 4432.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of John H. Wooley, et al.

|  |        |
|--|--------|
|  | (Page) |
| Original application of John H. Wooley, et al., before the Dawes Commission for identification as Mississippi Choctaws .....   | 1      |
| Decision of the Commission denying the application of John H. Wooley, et al., for identification as Mississippi Choctaws ..... | 6      |

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Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4432

In the matter of the application for identification as Mississippi Choctaws of John H. Wooley for himself and his seven minor children, William H., Frank, Albert, Nellie May, Mabel, Ruth Maud, and James Gardner Wooley.

Applicants represented by attorney John London.

John H. Wooley being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John H. Wooley.  
Q What is your age? A Forty-two.  
Q What is your post-office address? A Vesey, Texas.  
Q How long have you lived in Vesey? A Only two years.  
Q What County is Vesey in? A Red River.  
Q How long have you lived in that County? A I have lived there twenty-six or seven years.  
Q Where did you live before that? A In Missouri.  
Q Born in Missouri? A I think so; Yes sir.  
Q What place do you know? A Shelby County.  
Q And from Missouri you removed to Texas? A Yes sir.  
Q What is your father's name? A William Wooley.  
Q Is he living? A No sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary E.  
Q Through which of these parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one-eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities? A Not that I know of.  
Q When and where were your father and mother married? A I don't but I think in Kentucky.  
Q You remember the date? A No sir.  
Q You think you can produce proof of their marriage if given a reasonable time? A I think so.

A reasonable time will be given you for that purpose.

- Q Are you married? A Yes sir.  
Q What is your wife's name? A She is dead.  
Q You are not married now? A No sir.  
Q What was her name? A Almettie Wooley.  
Q She is dead? A Yes sir.  
Q Have you any children for whom you wish to make application under twenty-one years of age and unmarried? A Yes sir.  
Q Of whom she was the mother? A Yes sir.  
Q How many have you? A Seven.  
Q What is the name of the oldest? A William H.  
Q How old is William H? A He will be twenty years old the 17th of March.

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- Q He is nineteen now? A Yes sir.  
Q What is the name of the next child? A Frank.  
Q How old is Frank? A Sixteen.  
Q Is that a boy? A Yes sir.  
Q What is the name of the next? A Albert.  
Q How old is Albert? A He is nine years; I made a mistake, that boy is ten years old.  
Q Now the next? A Nellie May.  
Q How old is she? A Eight years old.  
Q Next? A Mabel.  
Q How old is Mabel? A Mabel is six years old.  
Q Next? A Ruth Maud.  
Q How old is she? A Three years old.  
Q The next? A James Gardner.  
Q How old is he? A Two pretty soon.  
Q Was Armettie Woolley the mother of these children? A Yes sir.  
Q Are they living with you at your home and supported by you? A Yes sir.  
Q When and where were you married to your wife? A Red River County, Texas.  
Q You remember the date? A Some time in eighty.  
Q You don't remember the exact date? A No sir.  
Q Were you married by a minister and under a license? A Yes sir.  
Q Y u think you could produce proof of that marriage if given a reasonable time? A Yes sir.

A reasonable time will be given you for this purpose.

- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know if it is.  
Q Have you ever made application for citizenship in the Choctaw Nation for your self and your children to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of these children under the act of Congress of June 10th 1896? A No sir.  
Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Is this the first application of any description you have ever made for citizenship in the Choctaw Nation for yourself and your minor children either to the Choctaw tribal authorities or the United States authorities? A Yes sir.  
Q You now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.  
Q Do you understand that article of that treaty? A No sir.  
Q You understand what a treaty is? A Yes sir I understand what a treaty is.  
Q And that a treaty was made between the United States government and the Choctaw tribe of Indians in the year eighteen hundred and thirty?

That treaty was made for the purpose of removing all of the Choctaws from the old Choctaw Nation, partly in Mississippi and partly in Alabama from that Country to the New Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the

Choctaw Nation Indian Territory and in order to protect their interests article fourteen was drafted and put into the treaty of eighteen hundred and thirty. The treaty then was signed and afterwards became ratified with that article in it. That article as I say was put into that treaty for the benefit and protection of the Mississippi Choctaw Indians and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that article as read and explained? A Yes sir.
- Q Do you know whether any of your ancestors complied with or attempted to comply with any of the provisions of that article? A No sir I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Sarah E. Salla.
- Q Did she live in Mississippi in eighteen hundred and thirty? A Well I don't know; I could not answer that question.
- Q How much Choctaw blood did she have? A I could not answer that question.
- Q Do you know whether she claimed Choctaw blood through her father or mother? A No sir.
- Q Do you know her father's name or her mother's name? A No sir.
- Q What relation was she to you? A She was my grandmother.
- Q Your father's mother? A Yes sir.
- Q Well then Sarah E. Salla was her maiden name? A I reckon so.
- Q If she was your father's mother, your father's name was William Wooley? A Yes sir.
- Q And his mother's name naturally would have been Wooley, unless she married again. Do you know whether that was her maiden name or did she marry another man? A That was her maiden name, that was my understanding.
- Q Do you know whether she ever lived in the State of Mississippi? A No sir I don't know it but I think she did.
- Q When did she die? A I could not tell you.
- Q Do you know how old she would be if she were living now? A No sir.
- Q You don't know positively if she ever lived in Mississippi or Alabama? A No sir.
- Q You know where she died? A No sir.
- Q You are not able to give very much information in regard to her; as to where she lived and when and where she died? A No sir I cannot.
- Q Did she or any of your ancestors own any improvements on land in Mississippi or Alabama in eighteen hundred and thirty? A Not that I know of.



#4

- Q Did your father ever live in Mississippi or Alabama? A I think my father lived in Mississippi but I am not sure.
- Q When did he die? A He has been dead a pretty long time.
- Q When was he born? A I don't know.
- Q You know when and where he died? A In the Southern part of Texas.
- Q But you can't tell the date? A No sir.
- Q You could not tell how old he would be if he were living now? A No sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between the years eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors own any lands or claim any lands in Mississippi or Alabama under article fourteen of the treaty of eighteen hundred and thirty? A Not that I know of.
- Q Did any of them claim any land or any benefits under any other article of the treaty of eighteen hundred and thirty than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits or any rights or privileges of any kind under any treaty made between the United States and the Choctaw Indians other than the treaty of eighteen hundred and thirty? A I do not know of any sir.

The Indians who remained in Mississippi or Alabama in the old Choctaw Nation after the treaty of eighteen hundred and thirty was signed and afterwards became ratified were required by the provisions of article fourteen of that treaty, within six months from its ratification to go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. Colonel Ward was the Indian Agent living in Mississippi at that time and it was his duty to make a list of the names of all Choctaws who complied with the provisions of article fourteen in that respect. Colonel Ward made a list known as Ward's register which contains the names of only seventy-one heads of families of the thousands of Indians who remained in the old Choctaw Nation. His failure to make a complete list of all claimants under the fourteenth article caused a good many Indians who had land in Mississippi to lose that land; it was taken from them by the government and sold at the public land sales. This caused a great many complaints by the Choctaw Indians so that in 1837 by act approved March 3rd of that year a Commission was appointed by Congress, which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842, by act approved August 23, 1842 another Commission was appointed by Congress for the same purpose. This second Commission also made list of the names of Choctaw Indians who appeared before it.

- Q Did any of your Choctaw ancestors go before either the Commission appointed in 1837 or the Commission appointed in 1842 and claim benefits under article fourteen of that treaty? A Not that I know of.

The act of Congress approved August 23rd 1842, provided that in case any Choctaw Indian proved his claim under the fourteenth article of the treaty of eighteen hundred and thirty and if it also appeared that he had his land taken from him by the government and sold he should be entitled to select land in Mississippi Alabama, Arkansas or Louisiana, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir not that I know of.  
 Q Have you any relatives who have come before the Commission previous to this application for the purpose of being identified as Mississippi Choctaws? A Not that I know of.  
 Q Have you any documentary evidence that you wish to offer?

By attorney: We would like to have a reasonable time.

By the Commission:

A reasonable time is allowed on motion of attorney London for the introduction of proper evidence in support of this application.

- Q Do you speak or understand the Choctaw language? A No sir,-- I understand a little of it.  
 Q Not enough to carry on a conversation? A No sir.  
 Q Is there anything further you want to state in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, medium dark complexion, dark brown hair, nearly black, sandy mustache and beard somewhat gray. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2nd 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 6th day of January 1902.

*[Signature]*  
 Notary Public.

*John H.  
C.W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John H. Wooley, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4432.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John H. Wooley for himself and his seven minor children, William H., Frank, Albert, Nellie May, Mabel, Ruth Maud and James Gardner Wooley, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 425):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Sarah E. Wooley (nee Salla), who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sarah E. Wooley (nee Salla) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Wooley, William H. Wooley, Frank Wooley, Albert Wooley, Nellie

May Wooley, Mabel Wooley, Ruth Maud Wooley and James Gardner Wooley,  
as Choctaw Indians entitled to rights in the Choctaw lands under  
the provisions of said article fourteen of the treaty of eighteen  
hundred and thirty, and that the application for their identification  
as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

SEP 5 1901

Top

M.C.R.4432

Muskogee, Indian Territory, September 5, 1902.

John H. Cooley,

Vesey, Texas.

Dear Sir:-

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John H. Cooley, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Cooley, William H. Cooley, Frank Cooley, Albert Cooley, Nellie May Cooley, Abel Cooley, Ruth and Cooley and James Gardner Cooley, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the

J. H. W., 2.

Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIC)

*James H. Smith*

Acting Chairman.

Registered.

Muskogee, Indian Territory, September 5, 1902.

John London,

Attorney-at-law,

Ooteau, Indian Territory.

Dear Sir:-

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John H. Wooley, et al., applicants for identification as Choctaw Indians.

This application was made under the provision of the act of Congress of June 29, 1898, (30 Stats., 495), which is as follows:

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Wooley, William H. Wooley, Frank Wooley, Albert Wooley, Nellie W. Wooley, Label Wooley, Ruth and Hooley and James Gardner Wooley, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the



J. L., 2.

interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Q. M. F.

James D. Smith

Acting Chairman.

Registered.

Muskogee, Indian Territory, September 5, 1902.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John H. Wooley, et al., applicants for identification as Choctaw Indians.

This application was made under the provision of the act of Congress of June 28, 1901, (31 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Wooley, William H. Wooley, Frank Wooley, Albert Wooley, Nellie May Wooley, Mabel Wooley, Ruth Maud Wooley, and James Gardner Wooley, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the

M., Mc & C., 2.

Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

  
Acting Chairman.

M.O.R.4432.

Muskogee, Indian Territory, September 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John H. Wooley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 3, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

1 Enclosure.

COPY

Land.  
55,832-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, Nov. 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of John H. Wooley, et al., for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission September 5, 1902.

It appears from the records in this case that the parties base their claim for identification as Mississippi Choctaws on their descent from one Sarah E. Wolley nee Salla who is alleged to have been a Choctaw Indian and a member of the Choctaw tribe in Mississippi in 1830. These parties claim descent from Sarah E. Wooley through her son, William Wooley.

The Commission rejects the applicants on the ground that it does not appear from the testimony submitted in support of the application or from the records in the possession of the commission relating to the persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 that said Sarah E. Wooley nee Salla signified in person or by proxy to Col. William Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article 14 or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims.

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An examination of the records of this office discloses the fact that the name of Sarah E. Salla, Sarah E. Wooley, or William Wooley are not found among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. This being the case it is evident that the persons claiming under them are not entitled to identification, under present legislation, as Mississippi Choctaws.

I therefore concur in the decision of the commission rejecting the applicants herein and recommend that the following persons be rejected for identification as Mississippi Choctaw Indians:

John H. Wooley, William H. Wooley, Frank Wooley, Robert Wooley, Nellie May Wooley, Mabel Wooley, Ruth Maud Wooley and James Gardner Wooley.

Very respectfully,

Your obedient servant,

W.A. Jones

Commissioner.

(E.B.H.)

P .

D.C. 22734

COPY

EAF.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD. 7025-1902.

November 21, 1902.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

September 5, 1902? you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John H., William H., Frank, Albert, Nellie May, Mabel, Ruth, Maud and James Gardner Wooley.

The applicants claim to be descendants of one Sarah E. Wooley (nee Salla), who is alleged to have been a Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Sarah E. Wooley complied or attempted to comply with article XIV of the treaty of September 27, 1830 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application September 5, 1902.

Forwarding the papers November 12, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The Department has carefully reviewed the whole case and hereby affirms your decision.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

1.0.7. 1472.

March 10, 1932.

11. 1. 1950

100

1917

You are hereby notified that on the 21st day of November, 1962, the Secretary of the Interior advised the decision of this Commission regarding the application for identification as a missing in action of the several persons included in the case of John F. Soley, et al., of which decision you were advised by registered mail on the 5th day of September, 1962.

1000-1000-1000

Acting Chairman.



1000. 1471.

Washington, D. C., November 5, 1900.

Mr. J. H. Cornish,

Attorney for the Choctaw and Chickasaw Nations,  
Southwestern Indian Territory.

Dear Sir:

You are hereby notified that on the 1st day of November, 1900, the Secretary of the Interior advised the decision of this Commission refusing the application for identification of Mississippi Choctaws of the several bands included in the case of John H. Dooley, et al., of which decision you were advised by mail on the 5th day of September, 1900.

Respectfully,

Yours,

Acting Chairman.

COPY.

O.C.P. 4472.

Wichita, Indian Territory, November 5, 1902.

John D. Jones,

Attorney at Law,

Poteau, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior announced the decision of this Commission regarding the application for identification as discredited Cheekmen of the several persons included in the case of John L. Woolley, et al., of which decision you were advised by registered mail on the 5th day of September, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

# For Identification as a Mississippi Choctaw.

Ann John G. Hooley  
 No 42 B. 18  
 P. Hooley, Texas  
 Father William Hooley d  
 Mother Mary G. " i  
 Wife " Father  
 (Almette Hooley, d)

|                    |    |
|--------------------|----|
| William G. Hooley, | 19 |
| F. Anna "          | 16 |
| Albert "           | 10 |
| Kellie M. "        | 8  |
| Mabel "            | 6  |
| Ruth M. "          | 3  |
| James G. "         | 2  |

Claims for each &

Children

Stenographer R. W. Roomer

Choctaw MCR 4433

Fannie Sharp

See MCR 4006

MCR 4433

Department of Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4433

In the matter of the application for identification as Mississippi Choctaws of Fannie Sharp for herself and her two minor children Dan M., and Charlotte Jane Sharp.

J. G. Hails; attorney representing applicants.

Fannie Sharp being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Fannie Sharp.  
Q What is your age? A I am fifty-three.  
Q What is your post-office address? A Tampa, Florida.  
Q How long have you lived at Tampa? A Only six years.  
Q Where did you live before that? A In Orange County, Florida.  
Ten years before we went to Tampa.  
Q Where did you live before that? A In Collin County, Texas.--  
Ten years.  
Q Where were you born? A In Fayette County, Alabama.  
Q What year? A In forty-eight.  
Q How long did you live in Alabama before you removed from that  
State? A Three years.  
Q And then came where? A Bastrop County, Texas.  
Q And then you lived in Texas how long? A Up to Sixteen years  
ago.  
Q And since that time you have lived in Florida? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Oliver W. Shipp.  
Q Is your mother living? A No sir.  
Q What was her name? A Jane F. Shipp.  
Q Through which parent do you claim Choctaw blood? A Through my  
mother.  
Q How much Choctaw blood do you claim? A Well about one-eighth.  
Q Has your mother ever been recognized in any way or enrolled as  
a member of the Choctaw tribe of Indians by the Choctaw tribal  
authorities or the United States authorities in the Indian Terri-  
tory? A No sir not that I know of.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes my second husband, I have been  
married twice.  
Q Have you any children by either of these marriages? A Yes I  
have two underage by my second husband.  
Q What was your first husband's name? A James M. Gresham.  
Q Is he living or dead? A He is dead.  
Q When did he die? A Well he died 26 years ago.  
Q Have you any children that you now want to make application  
for by this husband? A No sir.  
Q Is your second husband living? A Yes sir.  
Q What was his name? A John M. Sharp.  
Q You make any claim for him? A No sir he is a white man.  
Q You make no claim for him? A No sir.  
Q Will you give me the names of your children under twenty-one years  
of age and unmarried by your second husband? A Dan M. Sharp.  
Q How old? A Well he will be twenty-one in January.

#2

- Q Twenty now? A Yes sir.  
Q What is the name of your next child? A Charlotte Jane.  
Q How old is she? A She is seventeen.  
Q John R. Sharp the father of these two children? A Yes sir.  
Q You make application for yourself and them? A Yes sir.  
Q When and where were you married to your second husband John R. Sharp? A In Collin County, Texas.  
Q You remember the date? A It has been twenty-three years ago.  
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A What is the question?  
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Commission to the Five Civilized Tribes under the act of Congress of June 10th 1896? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Is this the first application for membership in the Choctaw Nation that you have ever made for yourself and your children to either the Choctaw tribal authorities and the United States authorities? A Yes sir.  
Q Do you come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws claiming rights under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand that article of that treaty? A Yes sir.  
Q Do you care to have it further explained to you? A Yes sir.

The treaty of eighteen hundred and thirty some times called the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw Indians on the twenty-seventh day of September eighteen hundred and thirty and was ratified afterwards on the twenty-fourth of February 1831. That treaty was made for the purpose of effecting the removal of all the Choctaw Indians in the old Choctaw Nation in Mississippi and Alabama, from that old Choctaw Nation to the New Choctaw Nation, Indian Territory. Before the treaty was signed in became positively known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that article? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of that article of that treaty? A We have no proof yet of it but we think they did.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashear, B-r-a-s-h-e-a-r.
- Q How much Choctaw blood did she have? A She had about one-fourth.
- Q What relation was she to you? A She was my grandmother, my mother's mother.
- Q You claim through her? A Yes sir.
- Q You claim one-eighth, that would be one-half or one-quarter, your mother would be one half of one-quarter or one-eighth would she not? A I don't know just how much she was.
- Q It would make you one-sixteenth if one-quarter is right? A Yes sir.
- Q How do you know whether that is right? A No sir I do not know.
- Q You could not say? A No sir.
- Q Did she ever live in Mississippi or Alabama? A Yes sir she lived in Alabama.
- Q You know where in Alabama? A In Fayette County.
- Q Did she live in Fayette County Alabama and was she the head of a family there in 1830? A She has been dead---she died in thirty-five.
- Q Where did she die? A In Alabama.
- Q How long did she live there previous to her death? A Three weeks.
- Q Where did she come from? A South Carolina.
- Q Previous to 1835 she lived in South Carolina? A Yes sir.
- Q You know where in South Carolina? A In the Greenville District is where they came from.
- Q Who of your ancestors lived in Mississippi or Alabama in 1830 that you know of? A I don't know my grandfather lived there in thirty-seven and thirty-eight.
- Q You mean the husband of Elizabeth Brashear? A Yes sir.
- Q Elizabeth Brashear is her maiden name? A Yes sir.
- Q What was her married name? A Dumas.
- Q What were the initials of her husband? A E. W.
- Q Was he an Indian or white man? A He was a white man so far as I know.
- Q Do you know whether your grandmother Elizabeth Dumas or Brashear was a recognized member of the Choctaw tribe of Indians in Mississippi or Alabama in eighteen hundred and thirty? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six after the ratification of the treaty of 1830 go to the United States Indian Agent in Mississippi, Colonel Ward, and tell him that they wanted to stay there, take land and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors from from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of your ancestors if Choctaw Indians own any land or claim any under the fourteenth article of the treaty of 1830? A I do not know.

#4

- Q Did they own or claim any lands or any benefits under any other article of the treaty of eighteen hundred and thirty three article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any rights or benefits or privileges under any treaty made between the United States government and the Choctaw Indians? A I don't know.

The Indians who stayed in the old Choctaw nation in Mississippi or Alabama after the treaty of 1830 was ratified and who wanted to take advantage of the provisions of the fourteenth article of that treaty were required to go to the United States Indian Agent in Mississippi within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States. In other words they had to register their intentions to remain with the United States Indian Agent within six months as required by article fourteen of that treaty. Colonel Ward, the Indian Agent made a list which contains the names of only a few of the Choctaw Indians who did this. A great many who did this failed to have their names placed on this list or any list made by him. This caused so many complaints by the Choctaw Indians, because those who held land in Mississippi at that time had that land taken from them by the government and sold. On account of these complaints in 1837 Congress appointed a Commission which Commission went to Mississippi and heard claims under the fourteenth article of this treaty and made lists of the names of all who came before it. In 1842 Congress appointed another Commission for the same purpose. This Commission also heard claimants under the fourteenth article and made lists of their names.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under the fourteenth article of that treaty? A I have learned that they did but I am not certain of it.
- Q Do you now who did go before either of these Commissions? A No sir I do not.

The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and if it also appeared that his land had been taken from him and sold by the government, he should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government land and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No sir.
- Q Will you give me the names of some of your relatives who have previously come before these Commissions and applied for identification as Mississippi Choctaws claiming through the same ancestor, Elizabeth Brashear? A Dan Dumas, Susan Hendricks, Josephine Crawford, and George Graham.
- Q And a great many others that you do not recall now? A Yes sir. You want to have your testimony considered together with the cases of all these descendants of Elizabeth Brashear in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Do you understand the Choctaw language? A No sir.
- Q Is there anything further you would like to state in support of your claim? A No sir.



#5

- Q Have you any evidence of any kind that you want to introduce now? A I had some letters of my grandfather Dumas that were written in Mississippi but I forgot to bring them.
- Q you want time in which to file these letters? A Yes sir.

Attorney: We would like time.

A reasonable time will be allowed this applicant on motion of J. R. Palls, attorney for applicant in which to present such additional evidence as she desires in support of this application.

The applicant in this case has the appearance and physical characteristics of being descended from white parentage, blue eyes, medium fair complexion, dark brown hair. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

L. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 5th day of January 1902.

*L. Rosenwinkel*  
Notary Public.

COPY.

M. C. R. 4433.

MUSKOGEE INDIAN TERRITORY, May 15, 1903

Fannie Sharp,

Tampa, Florida.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |               |
|---------------------------------|---------------|
| Scott S. Dumas, et al.,         | M. C. R. 4006 |
| Miles G. Lantrip,               | M. C. R. 4737 |
| Mary P. Phillips, et al.,       | M. C. R. 4738 |
| Isom Lantrip,                   | M. C. R. 4739 |
| William T. Brasher, et al.,     | M. C. R. 4740 |
| Andy Brasher, et al.,           | M. C. R. 4741 |
| Robert L. Brasher,              | M. C. R. 4742 |
| Albert Collums,                 | M. C. R. 4743 |
| James S. Collums,               | M. C. R. 4744 |
| Thaddeus W. Dumas,              | M. C. R. 5737 |
| Aurelius W. Dumas,              | M. C. R. 5726 |
| Alexander Dumas, et al.,        | M. C. R. 6113 |
| Sharkey H. Roth,                | M. C. R. 5845 |
| Mary E. Carothers, et al.,      | M. C. R. 5700 |
| Carrie McConico, et al.,        | M. C. R. 5520 |
| Bernard A. Williams, et al.,    | M. C. R. 5144 |
| Maud Cain, et al.,              | M. C. R. 5807 |
| Claude A. Grantham, et al.,     | M. C. R. 5714 |
| James J. Dumas, et al.,         | M. C. R. 5717 |
| Sydney L. Dumas,                | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al.,          | M. C. R. 5699 |
| Benjamin F. Dumas,              | M. C. R. 4521 |
| James D. Dumas, et al.,         | M. C. R. 4524 |
| Emmis Palmer, et al.,           | M. C. R. 5857 |
| Maud Terry, et al.,             | M. C. R. 4525 |
| Lottie McCoy,                   | M. C. R. 4522 |
| Jane E. McCreary,               | M. C. R. 4523 |
| Mary C. L. Hollis, et al.,      | M. C. R. 4222 |
| William H. Hollis, et al.,      | M. C. R. 4311 |
| Lawrence W. Hollis, et al.,     | M. C. R. 4310 |
| Minnie H. Nicolds, et al.,      | M. C. R. 4312 |
| Mary C. McLeod, et al.,         | M. C. R. 4313 |
| Hattie E. Andrews, et al.,      | M. C. R. 4314 |
| Charlie T. Skinner, et al.,     | M. C. R. 4315 |

|                                    |               |
|------------------------------------|---------------|
| Thomas H. Hollis,                  | M. C. R. 4309 |
| Blanche G. Merchant,               | M. C. R. 4223 |
| Lawrence W. Dumas, et al.,         | M. C. R. 5731 |
| Mary A. Wade, et al.,              | M. C. R. 5822 |
| Willie P. Dumas, et al.,           | M. C. R. 5810 |
| John R. Dumas, et al.,             | M. C. R. 5701 |
| Carrie A. Wilkerson, et al.,       | M. C. R. 5703 |
| Maggie Ida Dumas,                  | M. C. R. 5702 |
| William P. Mims,                   | M. C. R. 5985 |
| Ransom E. Mims, et al.,            | M. C. R. 5858 |
| Frank E. Dumas,                    | M. C. R. 5732 |
| Ben M. Dumas,                      | M. C. R. 5811 |
| Edward W. Blakey, et al.,          | M. C. R. 5425 |
| Ninnie Black, et al.,              | M. C. R. 4185 |
| Charles H. Black,                  | M. C. R. 4200 |
| Ammon Wood, et al.,                | M. C. R. 4202 |
| Willie Wood,                       | M. C. R. 4203 |
| Ellington Wood,                    | M. C. R. 4199 |
| Edna Fey,                          | M. C. R. 4286 |
| Robert B. Shupp, et al.,           | M. C. R. 4285 |
| Maria J. Crawford, et al.,         | M. C. R. 4125 |
| Majie J. Crawford Cole, et al.,    | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie L. H. Calhoun, et al.,      | M. C. R. 4117 |
| J. M. Crawford, et al.,            | M. C. R. 4094 |
| Robert H. Crawford,                | M. C. R. 4164 |
| Edna M. Follard, et al.,           | M. C. R. 4168 |
| Everett B. Crawford, et al.,       | M. C. R. 4165 |
| Edna R. Crawford,                  | M. C. R. 4077 |
| Pookie Creiger, et al.,            | M. C. R. 4169 |
| Fannie Sharp, et al.,              | M. C. R. 4433 |
| George H. Gresham,                 | M. C. R. 4098 |
| Oliver P. Gresham, et al.,         | M. C. R. 4095 |
| Robert O. Gresham, et al.,         | M. C. R. 4201 |
| Erma Biglow,                       | M. C. R. 4135 |
| David E. Dumas,                    | M. C. R. 4651 |
| DeBerry G. Dumas, et al.,          | M. C. R. 4119 |
| Birdie D. Carlet, et al.,          | M. C. R. 4123 |
| Mack O. Dumas,                     | M. C. R. 4658 |
| Susan M. Hendricks,                | M. C. R. 4121 |
| Onia Ann Stephens, et al.,         | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al.,            | M. C. R. 4122 |
| Helen Martin, et al.,              | M. C. R. 4097 |
| John W. Dumas,                     | M. C. R. 5012 |
| Ada B. Ewing, et al.,              | M. C. R. 4284 |
| Minnie P. Dumas,                   | M. C. R. 5941 |
| Malinda Blanks, et al.,            | M. C. R. 4118 |
| William C. Blanks, et al.,         | M. C. R. 4135 |
| Robert E. Blanks, et al.,          | M. C. R. 4139 |
| Nora E. Buford,                    | M. C. R. 4125 |
| Birdie A. Wilson, et al.,          | M. C. R. 4134 |
| Albert G. Dumas, et al.,           | M. C. R. 4631 |
| Roxanna Freeman, et al.,           | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al.,      | M. C. R. 4632 |
| Maude Florence Clark, et al.,      | M. C. R. 5713 |
| May L. Brown,                      | M. C. R. 5725 |

|                                |               |
|--------------------------------|---------------|
| Murat Dumas, et al.,           | M. C. R. 5715 |
| Lula A. Dumas,                 | M. C. R. 5716 |
| Lena Fulton, et al.,           | M. C. R. 4144 |
| Lauren Scott Cannon, et al.,   | M. C. R. 4145 |
| Eula Umphress, et al.,         | M. C. R. 4146 |
| Pearl Barron, et al.,          | M. C. R. 4147 |
| James W. Wheat, et al.,        | M. C. R. 4695 |
| Ivy A. Fowler,                 | M. C. R. 4696 |
| Dan H. Dumas, et al.,          | M. C. R. 3766 |
| Eula D. Shivel,                | M. C. R. 4075 |
| Walter W. Dumas,               | M. C. R. 4015 |
| James P. Dumas,                | M. C. R. 3703 |
| Travis M. Dumas, et al.,       | M. C. R. 4007 |
| Verna J. Dumas, et al.,        | M. C. R. 4140 |
| Laura D. Cole, et al.,         | M. C. R. 4141 |
| Victoria J. Pierce, et al.,    | M. C. R. 4066 |
| Lee W. T. Herman,              | M. C. R. 4254 |
| Annie B. Wallace, et al.,      | M. C. R. 4250 |
| Louis Dumas, et al.,           | M. C. R. 4014 |
| Belle Leslie, et al.,          | M. C. R. 4067 |
| John E. Sanders, et al.,       | M. C. R. 5415 |
| Nancy J. Whorton, et al.,      | M. C. R. 5416 |
| James L. Sanders,              | M. C. R. 5560 |
| Julia A. Wells,                | M. C. R. 5559 |
| Emstey M. Sanders, et al.,     | M. C. R. 5804 |
| Cora C. Bond, et al.,          | M. C. R. 4620 |
| Margaret K. Aston, et al.,     | M. C. R. 4562 |
| Mary Jane Damron, et al.,      | M. C. R. 5805 |
| William E. Aston, et al.,      | M. C. R. 4583 |
| Vie Damron, et al.,            | M. C. R. 4619 |
| Cynthia Jane Dicken, et al.,   | M. C. R. 4582 |
| William T. Sanders, et al.,    | M. C. R. 5414 |
| James P. Sanders, et al.,      | M. C. R. 4069 |
| Missiemah Ellison, et al.,     | M. C. R. 4154 |
| Lellie Page, et al.,           | M. C. R. 4155 |
| Walter H. Thompson,            | M. C. R. 4142 |
| Jeff D. Thompson, et al.,      | M. C. R. 4016 |
| Mary A. Ferguson, et al.,      | M. C. R. 4772 |
| Vergie J. Powers, et al.,      | M. C. R. 4773 |
| Willie E. Ferguson, et al.,    | M. C. R. 4774 |
| Alonzo A. Ferguson,            | M. C. R. 4775 |
| Sue A. Thompson, et al.,       | M. C. R. 4389 |
| Ada Thompson                   | M. C. R. 4076 |
| Emma C. Canon, et al.,         | M. C. R. 3414 |
| Winnie D. Canon,               | M. C. R. 3415 |
| Delmer Canon,                  | M. C. R. 3761 |
| George Thompson, et al.,       | M. C. R. 3756 |
| George Homer Thompson,         | M. C. R. 3757 |
| Ida Sandford,                  | M. C. R. 3759 |
| Lula Thompson Noe, et al.,     | M. C. R. 3760 |
| Verner L. Dumas,               | M. C. R. 5719 |
| James Don Dumas, et al.,       | M. C. R. 5720 |
| Claude E. Dumas, et al.,       | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolvorton,          | M. C. R. 6185 |
| Elizabeth Wood,                | M. C. R. 6268 |
| Eula P. Niswander, et al.,     | M. C. R. 6342 |
| Lawrence L. Thompson, et al.,  | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of: Scott S. Dumas, Ruth Dumas, Miles G. Lantier, Mary P. Phillips, Eury E. Phillips, Estner E. Phillips, Muriel E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Doree Phillips, Rex Phillips, Lela Lantier, William T. Brasher, Maity Brasher, Vandy Brasher, Gandy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collins, James S. Collins, Buddies W. Dumas, Antoine W. Dumas, Alexander Dumas, Dixie M. Dumas, Moxie M. Dumas, Charles L. Dumas, Shirley H. Ross, Mary E. Carpenter, Elizabeth McGurg, Susan Mary McGurg, Ada Maud McGurg, Monroe McGurg, Carrie McComee, Nannie May Mobley, Henry Pope Mobley, Willie McComee, Bernard A. W. Dumas, Margell Williams, John Williams, Verne Williams, Maud Williams, Harry Williams, Maud Cam, John Joseph Cam, Ida May Cam, Claude A. Grantham, Charles May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Harding, Olive Caroline Harding, Claude Armstrong, Harlan Linn, K. Smith, Opal Smith, Benjamin E. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Frons Perry, John Perry, Robert Perry, Maud Terry, Maud Terry, Dumas Terry, Mildred Terry, Lela Moxie, Jr., T. McGurg, Mary C. L. Hollis, Leno L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Susan A. Hollis, Minnie H. Nields, Ronald Nields, Paul Nields, Kate Nields, Edward Nields, Mrs. Nields, Mary C. McLeod, Mary L. McLeod, Harry E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews, Jr., Charles F. Skinner, Bertha L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lela W. Dumas, Maud T. Dumas, Anne C. Dumas, Kate L. Dumas, Jane S. Dumas, Levenice W. Dumas, Fannie Dumas, Jennie R. Wade, George A. Wade, Willie P. Dumas, Jennie W. Dumas, Carl G. Dumas, Fannie Dumas, Jennie Dumas, Walter A. Dumas, John R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Lila Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William L. Mims, Fannie Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Barker, Nannie Black, Catherine Black, Charles H. Black, Annora Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Eay, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucinda C. Crawford, Ghena Crawford, Ed S. Crawford, Jr., John E. Crawford, Maje Crawford, Jeyel L. Crawford, James A. Cole, Susan M. Cole, Catherine Cole, Maje Dugess Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, John L. Caldwell, Louise B. H. Calhoun, Owen H. Calhoun, Ryan C. Calhoun, J. M. Crawford, Edwin Dokes Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Eliza M. Follard, Crawford J. Follard, Adelen Follard, Cecil H. Follard, William Richard Follard, Lucinda B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Croager, Margaret E. Croager, Fannie Sharr, Dan M. Sharr, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Holl Campbell Gresham, Emma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Budie D. Carlet, Gilena W. Carlet, Helen C. Carlet, Mark O. Dumas, Susan M. Hendricks, Onie Ann Stephens, Leno A. Stephens, Harold E. Hend Stephens, Louis Stephen, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hilda H. Hendricks, Ruth Hendricks, Ruth Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen M. Decker, Mary M. Decker, Ann Martin, Sarah Martin, John W. Dumas, Alva B. Howard, Fred L. Howard, Mary E. Howard, Mary P. Dumas, Jennie Blakes, Arthur Blakes, William C. Blakes, Ruth J. Blakes, Mary G. Blakes, Robert E. Blakes, Robert E. Blakes, Jr., Nora E. Bartford, Bertha A. Wilson, John H. Wilson, Albert G. Dumas, Alfred Dumas, Lela Dumas, Dixie D. Dumas, Raydon E. Dumas, William Clyde Freeman, Victoria Elizabeth Daniels, Stafford Lavonia Daniel, Dixie Dumas Connolly, Scott Connolly, Frank C. Connolly, Mabel Florence Clark, Irene L. Clark, May L. Brown, Maud Dumas, Eugene Dumas, Lela A. Dumas, Lela Fulton, J. Harold Fulton, Clifford C. Fulton, Louise Scott Cannon, Joshua R. Cannon, Katherine Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Burton, Guyon Elizabeth Burton, Jones W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkie Dumas, Eula D. Shaw, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lela F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieulah Ellison, Leola Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Grace L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Satty S. Ferguson, Georgie B. Ferguson, Lovell E. Ferguson, Vergie J. Powers, Murray Powers, Myrabel Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sam A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Sylvia Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, John Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman

Registered.

MOR 4437

Muskogee, Indian Territory, January 22, 1906.

Fannie Sharp,

Tampa, Florida.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott C. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

Commissioner

## For Identification as a Mississippi Choctaw

Michael Mathias

James H. Buchanan  
in connection with the  
apple, for.

March 2 (2)

John A. Sharp, Esq.  
in charge for the month

1890. In. 1890. 20

Chocolate . . . 17

Chinn, J. 2000

31. 6/29, 1900 -



Choctaw MCR 4434

Lafayette Smallwood

See MCR 4064

MCR 4434

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4434

In the matter of the application for identification as Mississippi Choctaws of Lafayette Smallwood for himself and his four minor children Robert T., Mark W., Rubie, and Willie Smallwood.

Applicants represented by attorney L. P. Hudson.

Lafayette Smallwood being first duly sworn testified as follows

Examination by the Commission.

- Q What is your name? A Lafayette Smallwood.  
Q What is your age? A Thirty-four.  
Q What is your post office address? A Oconee, Choctaw Nation, Indian Territory.  
Q How long have you lived at Oconee? A Seven years.  
Q Where did you live before that? A Five years in the Chickasaw Nation and I was born and raised until I was twenty-two years old in Mississippi.  
Q Where were you born in Mississippi? A Union County.  
Q Is your father living? A No sir.  
Q What was his name? A Martin Smallwood.  
Q Your mother living? A Yes sir.  
Q What is her name? A Martha A. Smallwood.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A One-eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.  
Q When and where were your father and mother married? A They were married in Georgia but what year I can't tell you.  
Q By a minister and under a license? A I don't know.  
Q You think you can produce proof of their marriage if given a reasonable time to do so? A I don't know sir I suppose I can.

A reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.  
Q What is your wife's name? A Mattie A.  
Q She living? A Yes sir.  
Q White woman? A Yes sir.  
Q Making any claim for her as an Indian? A No sir.  
Q Have you any children under twenty-one years of age and unmarried? A Yes sir.  
Q Is Mattie A. the mother of these children? A Yes sir.  
Q What is the name of the eldest? A Robert T. Smallwood.  
Q How old is Robert? A He is nine years old.  
Q What is the next child? A Mark W.  
Q How old is Mark? A Seven years old.  
Q The next? A Rubie.  
Q Girl? A Yes sir.  
Q How old? A Four.  
Q Any others? A Yes sir.  
Q Give the name of the next? A Willie.  
Q Boy? A Yes sir.

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- Q How old? A Two years old.  
Q Any other children? A No sir that is all.  
Q You claim for yourself and these children? A Yessir.  
Q When and where were you married to your wife Mattie A. Smallwood?  
A In eighty nine I believe.  
Q You remember the day of the month? A I believe it was on the 21st of November.  
Q Where at? A Athens, Texas.  
Q Were you married by a minister and under a license? A Yes sir.  
Q Have you proof of your marriage with you? A No sir.  
Q You think you would like to introduce it later? A Yes sir.

A reasonable time will be given you for that purpose.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application for yourself and children for enrollment as Choctaw Indians to the Dawes Commission under the act of Congress of June 10th 1896? A No sir.  
Q Have you or any one of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever before this time sought to become enrolled, yourself or tried to get these children enrolled as Choctaw Indians by making application to the Choctaw tribal authorities or the United States authorities? A No sir.  
Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.  
Q Do you understand that article of that treaty? A No sir.  
Q You understand what a treaty is? A Yes sir.  
Q It is an agreement in writing between Nations? A Yes sir.

And, such an agreement or compact was made in the year eighteen hundred and thirty between the United States Government and the Choctaw Nation in Mississippi and Alabama. The object of that treaty was the removal of all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory, but a good many Indians would not go, they preferred to stay in the old Choctaw Nation and in order to protect their interests an article was drafted and put into the treaty after which the treaty was signed and then ratified. That article is called article fourteen and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the

privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Qc You understand that article? A Yes sir.
- Q Do you know whether any of your ancestors attempted to comply with any of its provisions or did actually comply with them? A No sir I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Smallwood.
- Q What relation is she to you? A My great grandmother.
- Q Is she dead? A Yes sir.
- Q You claim through your father Martin Smallwood? A Yes sir.
- Q And he claims through his father? A Yes sir.
- Q And he claims through his mother Mary Smallwood? A Yes sir.
- Q He claims through his mother Mary Smallwood? A Yes sir.
- Q Did she live in Mississippi or Alabama and was she the head of a family at that time? A Yes sir.
- Q How much Choctaw blood did she have? A Full blood.
- Q How do you know she was a full blood? A I don't really know it but I have been taught it.
- Q By who? A By my parents.
- Q Your father and mother? A My father mostly.
- Q It has been a matter of family history? A Yes sir.
- Q Did you say she lived in Mississippi or Alabama? A I don't know where she lived.
- Q You know when and where she died? A No sir.
- Q When and where she was born? A No sir.
- Q You don't know where she lived during her life time? A No sir.
- Q Did any of your ancestors, descendants of Mary Smallwood, live in Mississippi or Alabama in 1830 to your knowledge? A I don't know that sir.
- Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the New Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your ancestors ever, if Choctaw Indians, claim or receive any land or any benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did any of them ever claim any benefits or receive any under any treaty made between the United States government and the Choctaw Indians? A No that I know of.

The provisions of article fourteen of the treaty of 1830 required that all Indians who stayed in Mississippi or Alabama in the old Choctaw Nation, after the treaty of 1830 was ratified should go to the United States Indian Agent Colonel Ward with in six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States and that they intended to reside upon that land for a period of five years after which time they would they would get a deed from the government. A good

many Indians did this whose names Colonel Ward failed to put upon his list. His failure to record the names of most of the Indians who came before him in compliance with the provisions of article fourteen of the treaty of 1830 caused good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements on the land. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose. Both of these Commissions made lists of names of claimants who came before it.

- Q Did any of your Choctaw ancestors appear before either of these Commissions that of 1837 or the Commission of 1842 and claim benefits under the fourteenth article of this treaty? A I don't know.

According to the act of Congress approved August 23rd 1842 all Indians who proved their claims under article fourteen of the treaty of 1830 who had their lands taken from them by the government should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and their right to select it should be evidenced by certificates which were to be issued to them. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know sir.
- Q Have you had any relatives who have come before this Commission for the purpose of being identified as Mississippi Choctaws? A Yes sir.
- Q Give the names of some of them? A Columbus F. Stokes.
- Any others? A No sir that is the only one I know of.
- Q Do you want to have his evidence taken into connection with yours and his record examined with yours in order that you may get the benefit of what he testified to? A Yes sir.
- Q Have you any documentary evidence that you want to present now in support of this claim? A No sir.
- Q You want time in which to file evidence in support of your application.

By attorney Hudson:

Here attorney L. P. Hudson asks leave to file written evidence in support of this claim in the near future.

By the Commission:

Granted.

- Q Is there anything more you want to say in support of this claim? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark reddish complexion, brown hair and mustache. Has no knowledge of the Choctaw language and no knowledge of compliance on the part of

#5

his ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2nd 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 6th day of January 1902.

*Wm. H. Smith*

Notary Public.

M.C. 4434

Muskogee, Indian Territory, February 27, 1902.

L. P. Hudson,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty sixth instant, inclosing certified copy of marriage license and certificate between L. Smallwood and Mattie A. Wiseman offered in support of the application for identification as Mississippi Choctaws of Lafayette Smallwood, et al. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

OPY

H.C. 4434

Washington, D. C., February 17, 1903

Robert T. Smallwood,

Comanche, Indian Territory.

Dear Sir:

You were duly informed on the 10th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Columbus Stokes, et al., embracing the following application for identification as Missions and Choctaws:

|                              |           |
|------------------------------|-----------|
| Columbus P. Stokes, et al.,  | H.C. 4064 |
| Mary Ella Stokes,            | H.C. 4065 |
| Robert T. Smallwood, et al., | H.C. 4064 |

These applications were made under the provisions of the Act of Congress of June 20, 1900 (31 Stat., 491) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indian claiming title in Choctaw lands under Article Thirteen, 1821, of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Columbus P. Stokes, Tabitha Stokes, Lula Rossey Stokes, William Ira Stokes, Mary Ella Stokes, Lafayette Smallwood, Robert T. Smallwood, Mark W. Smallwood, Rubie



William and Willie Taylor, Cheate Indians entitled to land in the Cheate lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and their applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Respectfully,

M.C.R. 4434

Muskogee, Indian Territory, March 21, 1903.

Lafayette Smallwood,

Ocoee, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Columbus F. Stokes, et al., of which decision you were advised by registered mail on the 27th day of October, 1902.

Respectfully,

*Timothy D. Sullivan*  
Chairman.

# For Identification as a Mississippi Choctaw.

Do.

Mr. Lafayette L. Mulwood  
 of the B. & O.  
 1000 1000. S. D.  
 Mr. Martin C. Mulwood, &  
 Mr. Martha A.                       
 wife of                       
 Mr. A. C. Mulwood,  
 (C. W.)  
 are now for sale -

Robert D. Mulwood, 9  
 Main St. " 7  
 River " " 5  
 River " " 2  
 are now for sale &  
 identification.

Stenographer L. Rammovitz.

Choctaw MCR 4435

Erma Biglow

See MCR 4006

MCR 4435

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4435

In the matter of the application for identification as a  
Mississippi Choctaw of Erma Biglow.

Applicant represented by attorney J. G. Ralls.

Erma Biglow being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Erma Biglow.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Tampa, Florida.  
Q How long have you lived there? A Almost six years.  
Q And before that you lived where? A In Apopka, Orange County,  
Florida. We lived there ten years.  
Q Before that you lived where? A Collin County, Texas.  
Q Is your father living? A Yes sir.  
Q What is his name? A John I. Sharp.  
Q Is your mother living? A Yes sir.  
Q Has she been here before the Commission to-day? A Yes sir.  
Q What is her name? A Fannie M. Sharp.  
Q You claim through your mother? A Yes sir.  
Q How much Choctaw blood do you claim? A One-thirty-second.  
Q Has your mother ever been recognized in any way or enrolled  
as a member of the Choctaw tribe of Indians by the Choctaw  
tribal authorities or the United States authorities in Indian  
Territory? A I don't know sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Ireland G. Biglow.  
Q He is a white man or Indian? A White man.  
Q You don't make any claim for him then? A No sir.  
Q Do you make claim for any one besides yourself? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A I don't know sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the Choctaw tribal authorities? A No sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the Commission to the Five Civilized Tribes under the  
act of Congress of June 10th 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by either the Choctaw tribal authorities, the Commission to the  
Five Civilized Tribes or the United States Court in Indian  
Territory? A No sir.  
Q Have you ever before this time made application to be enrolled  
as a member of the Choctaw tribe of Indians to the Choctaw  
tribal authorities, or the United States authorities? A No  
Sir.  
Q Do you now come before the Commission for the purpose of being  
identified as a Mississippi Choctaw claiming under article four-  
teen of the treaty of 1830? A Yes sir.  
Q You understand that article of that treaty? A I think I do but  
I would like to have it explained.

A treaty is a compact made between Nations. It is in writing and signed by the representatives of both Nations or all nations who are parties to that compact.

The treaty of eighteen hundred and thirty was made at a place called Dancin Rabbit Creek in Mississippi on the twenty-seventh of September of that year and was ratified on the twenty-fourth day of February following and was made for the purpose of affecting the removal of all the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before it became signed it was known that a good many Choctaw Indians would not remove to the Choctaw Nation, Indian Territory, they demanded however that some provision be made for them in the treaty and before it was signed article fourteen was drafted and inserted in the treaty for their benefit. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is 14 years of age or over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied with any of its provisions? A No sir I do not know that they did.
- Q Will you give me the name of your ancestor through whom you claim the right to be identified? A Elizabeth Brashear.
- Q That is her maiden name, is it? A Yes sir.
- Q How much Choctaw blood did she have? A One-quarter.
- Q Did she live in Mississippi or Alabama at any time? A I don't know sir.
- Q Do you know whether she or any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of article fourteen by owning improvements on land in Mississippi or Alabama in 1830? A No sir I don't know.
- Q Did she speak the Choctaw language or have an Indian name? A I don't know, I guess she had an Indian name.
- Q You know what it was? A Brashear.
- Q What is the only name you know her by? A Yes sir.
- Q Her husband's name was what? A R. W. Dumas.
- Q Was he a white man? A Yes sir.
- Q Did he live in Mississippi or Alabama at any time? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.

#3

- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation, Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830? A I don't know sir.
- Q Do you know whether they claimed any land or any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Do you know whether they claimed any benefits under any other treaty at all made between the United States and the Choctaw Indians? A I don't know sir.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after that treaty of 1830 was ratified were obliged to go to the United States Indian Agent within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's register. His neglect to do this caused a great many Indians who had land in Mississippi to lose that land and it was taken from them by the government and sold. This caused so many complaints that Congress in 1837 by act of Congress approved March 3rd that year, appointed a Commission which went to Mississippi and heard claimants under the fourteenth article of the treaty of 1830. In 1842 another Commission was appointed by Congress by act approved August 23rd of that year, for the same purpose.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 and if it also appeared that his land had been taken from him by the government and sold he should be entitled to select land elsewhere, in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government land and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any of this scrip at that time? A I don't know sir.
- Q Give me the names of some of your relatives who have appeared here for identification as Mississippi Choctaws? A My mother Fannie and my three brothers, George, Pink and Bob and D. H. Dumas my uncle, and Robert Shipp my uncle.
- Q And others whose names you do not now recall? A Yes sir.
- Q Do they claim through the same common ancestor Elizabeth Brashear or Dumas? A Yes sir.
- Q You want to have their testimony considered with yours, A Yes sir.
- Q Have you any evidence of any kind or witnesses you want to introduce now? A No sir.
- Q Would you like time in which to introduce such? A Yes sir.

A reasonable time will be allowed this applicant in which to introduce further evidence if she desires to.

#4

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium dark complexion and dark brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 6th day of January 1902.

*Laurel M. Thomas*

Notary Public.



M C R 4435

Muskogee, Indian Territory, February 20, 1903.

D. H. Dumas,  
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask to be furnished a blank application for identification as a Mississippi Choctaw of the infant child of Mrs. Emma Biglow.

A blank of such description is enclosed you herewith.  
Please have the same properly executed and return to this office.

Respectfully,

Acting Chairman.

B.C.

M C R 4435

Muskogee, Indian Territory, March 28, 1903.

Leland G. Biglow,  
#109 E. Palm Avenue,  
Tampa, Florida.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, enclosing the affidavit of the mother, Emma Biglow, and that of the attending physician, J. T. Green, relative to the birth of Leland Ridley Monroe Biglow, January 22, 1903, and the same have been filed with the records of the Commission.

Respectfully,

Chairman.

COPY.

RECEIVED

M. C. R.

4435.

McKOGEE, INDIAN TERRITORY, May 15, 1903

Erma Biglow,

Tampa, Florida.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |               |
|---------------------------------|---------------|
| Scott S. Dumas, et al.,         | M. C. R. 4006 |
| Miles G. Lantrip,               | M. C. R. 4737 |
| Mary P. Phillips, et al.,       | M. C. R. 4738 |
| Isom Lantrip,                   | M. C. R. 4739 |
| William T. Brasher, et al.,     | M. C. R. 4740 |
| Andy Brasher, et al.,           | M. C. R. 4741 |
| Robert L. Brasher,              | M. C. R. 4742 |
| Albert Collums,                 | M. C. R. 4743 |
| James S. Collums,               | M. C. R. 4744 |
| Thaddeus W. Dumas,              | M. C. R. 5737 |
| Aurelius W. Dumas,              | M. C. R. 5726 |
| Alexander Dumas, et al.,        | M. C. R. 6113 |
| Sharkey H. Roth,                | M. C. R. 5845 |
| Mary E. Carothers, et al.,      | M. C. R. 5700 |
| Carrie McConico, et al.,        | M. C. R. 5520 |
| Bernard A. Williams, et al.,    | M. C. R. 5144 |
| Maud Can, et al.,               | M. C. R. 5807 |
| Claude A. Grantham, et al.,     | M. C. R. 5714 |
| James J. Dumas, et al.,         | M. C. R. 5717 |
| Sydney L. Dumas,                | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al.,          | M. C. R. 5699 |
| Benjamin F. Dumas,              | M. C. R. 4521 |
| James D. Dumas, et al.,         | M. C. R. 4524 |
| Emmis Palmer, et al.,           | M. C. R. 5857 |
| Maud Terry, et al.,             | M. C. R. 4525 |
| Lottie McCoy,                   | M. C. R. 4522 |
| Jane E. McCreary,               | M. C. R. 4523 |
| Mary C. L. Hollis, et al.,      | M. C. R. 4222 |
| William H. Hollis, et al.,      | M. C. R. 4311 |
| Lawrence W. Hollis, et al.,     | M. C. R. 4310 |
| Minnie H. Nicolls, et al.,      | M. C. R. 4312 |
| Mary C. McLeod, et al.,         | M. C. R. 4313 |
| Hattie E. Andrews, et al.,      | M. C. R. 4314 |
| Charlie T. Skinner, et al.,     | M. C. R. 4315 |

|                                    |               |
|------------------------------------|---------------|
| Thomas H. Hollis,                  | M. C. R. 4309 |
| Blanche G. Merchant,               | M. C. R. 4223 |
| Lawrence W. Dumas, et al.,         | M. C. R. 5731 |
| Mary A. Wade, et al.,              | M. C. R. 5822 |
| Willie P. Dumas, et al.,           | M. C. R. 5810 |
| John R. Dumas, et al.,             | M. C. R. 5701 |
| Carrie A. Wilkerson, et al.,       | M. C. R. 5703 |
| Maggie Ida Dumas,                  | M. C. R. 5702 |
| William P. Mims,                   | M. C. R. 5985 |
| Ransom E. Mims, et al.,            | M. C. R. 5858 |
| Frank E. Dumas,                    | M. C. R. 5732 |
| Ben M. Dumas,                      | M. C. R. 5811 |
| Edward W. Blakey, et al.,          | M. C. R. 7425 |
| Nannie Black, et al.,              | M. C. R. 4185 |
| Charles H. Black,                  | M. C. R. 4200 |
| Annon Wood, et al.,                | M. C. R. 4202 |
| Willie Wood,                       | M. C. R. 4203 |
| Ellington Wood,                    | M. C. R. 4129 |
| Edna Fry,                          | M. C. R. 4286 |
| Robert B. Shopp, et al.,           | M. C. R. 4287 |
| Maria J. Crawford, et al.,         | M. C. R. 4115 |
| Majie J. Crawford Cole, et al.,    | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al.,      | M. C. R. 4117 |
| J. M. Crawford, et al.,            | M. C. R. 4094 |
| Robert H. Crawford,                | M. C. R. 4164 |
| Edna M. Folliard, et al.,          | M. C. R. 4168 |
| Everett B. Crawford, et al.,       | M. C. R. 4165 |
| Edwin R. Crawford,                 | M. C. R. 4077 |
| Puckie Creager, et al.,            | M. C. R. 4169 |
| Fannie Sharp, et al.,              | M. C. R. 4133 |
| George H. Gresham,                 | M. C. R. 4098 |
| Oliver P. Gresham, et al.,         | M. C. R. 4095 |
| Robert O. Gresham, et al.,         | M. C. R. 4204 |
| Erna Biglow,                       | M. C. R. 4135 |
| David E. Dumas,                    | M. C. R. 4651 |
| DeBerry G. Dumas, et al.,          | M. C. R. 4119 |
| Birdie D. Carlet, et al.,          | M. C. R. 4123 |
| Mack O. Dumas,                     | M. C. R. 4658 |
| Susan M. Hendricks,                | M. C. R. 4121 |
| Onia Ann Stephens, et al.,         | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al.,            | M. C. R. 4122 |
| Helen Martin, et al.,              | M. C. R. 4097 |
| John W. Dumas,                     | M. C. R. 5012 |
| Ada B. Ewing, et al.,              | M. C. R. 4284 |
| Minnie P. Dumas,                   | M. C. R. 5011 |
| Malinda Blanks, et al.,            | M. C. R. 4118 |
| William C. Blanks, et al.,         | M. C. R. 4135 |
| Robert E. Blanks, et al.,          | M. C. R. 4139 |
| Nora E. Buford,                    | M. C. R. 4125 |
| Birdie A. Wilson, et al.,          | M. C. R. 4134 |
| Albert G. Dumas, et al.,           | M. C. R. 4631 |
| Roxanne Freeman, et al.,           | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al.,      | M. C. R. 4632 |
| Maudie Florence Clark, et al.,     | M. C. R. 5713 |
| May L. Brown,                      | M. C. R. 5725 |

|                                |               |
|--------------------------------|---------------|
| Murat Dumas, et al.,           | M. C. R. 5715 |
| Lula A. Dumas,                 | M. C. R. 5716 |
| Lena Fulton, et al.,           | M. C. R. 4144 |
| Lauren Scott Cannon, et al.,   | M. C. R. 4145 |
| Eula Unphress, et al.,         | M. C. R. 4146 |
| Pearl Barron, et al.,          | M. C. R. 4147 |
| James W. Wheat, et al.,        | M. C. R. 4695 |
| Ivy A. Fowler,                 | M. C. R. 4696 |
| Don H. Dumas, et al.,          | M. C. R. 3766 |
| Eula D. Shivel,                | M. C. R. 4675 |
| Walter W. Dumas,               | M. C. R. 4915 |
| James P. Dumas,                | M. C. R. 3503 |
| Travis M. Dumas, et al.,       | M. C. R. 1097 |
| Vern J. Dumas, et al.,         | M. C. R. 4149 |
| Laura D. Cole, et al.,         | M. C. R. 1141 |
| Victoria J. Pierce, et al.,    | M. C. R. 4066 |
| Lee W. T. Hpinan,              | M. C. R. 4251 |
| Annie B. Wallace, et al.,      | M. C. R. 4250 |
| Louis Dumas, et al.,           | M. C. R. 4914 |
| Beice Lecher, et al.,          | M. C. R. 4067 |
| John F. Sanders, et al.,       | M. C. R. 5445 |
| Nancy J. Wherton, et al.,      | M. C. R. 5446 |
| James L. Sanders,              | M. C. R. 5569 |
| Julia A. Wells,                | M. C. R. 5559 |
| Linsley M. Sanders, et al.,    | M. C. R. 5804 |
| Cor. C. Bond, et al.,          | M. C. R. 4620 |
| Margaret K. Aston, et al.,     | M. C. R. 4562 |
| Mary Jane Dorman, et al.,      | M. C. R. 5805 |
| William E. Aston, et al.,      | M. C. R. 4583 |
| Viv Danton, et al.,            | M. C. R. 4619 |
| Cynthia Jane Dicken, et al.,   | M. C. R. 4582 |
| William T. Sanders, et al.,    | M. C. R. 5444 |
| James P. Sanders, et al.,      | M. C. R. 4069 |
| Messiahah Ellison, et al.,     | M. C. R. 4154 |
| Lille Page, et al.,            | M. C. R. 4155 |
| Walter H. Thompson,            | M. C. R. 4142 |
| Jeff D. Thompson, et al.,      | M. C. R. 4016 |
| Mary A. Ferguson, et al.,      | M. C. R. 4772 |
| Vernie J. Powers, et al.,      | M. C. R. 4773 |
| Willie E. Ferguson, et al.,    | M. C. R. 4774 |
| Alonzo A. Ferguson,            | M. C. R. 4775 |
| Sue A. Thompson, et al.,       | M. C. R. 4389 |
| Ada Thompson,                  | M. C. R. 4076 |
| Eugenia C. Canon, et al.,      | M. C. R. 3414 |
| Wenice D. Canon,               | M. C. R. 3415 |
| Delmer Canon,                  | M. C. R. 3761 |
| George Thompson, et al.,       | M. C. R. 3756 |
| George Homer Thompson,         | M. C. R. 3757 |
| Ela Sandford,                  | M. C. R. 3759 |
| Ela Thompson Nee, et al.,      | M. C. R. 3760 |
| Verner L. Dumas,               | M. C. R. 5719 |
| James Don Dumas, et al.,       | M. C. R. 5720 |
| Clara E. Dumas, et al.,        | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton,          | M. C. R. 6185 |
| Elizabeth Wood,                | M. C. R. 6268 |
| Eula P. Niswander, et al.,     | M. C. R. 6342 |
| Lawrence L. Thompson, et al.,  | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary therefor, and make report to the Secretary of the Interior."

Sand de, sau com bledes as feticas

It is, therefore, an opinion of this Congress, on that this maiden honor, is insufficient to determine the identity of Scott S. Dumas with Dumas, Mmes G. Lanthier, Mary P. Phillips, Lady E. Phillips, Estera E. Phillips, Maud L. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Dorelle Phillips, Rex Phillips, Esq., Lanthier, William F. Brasher, Maltie Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ad. Brasher, William F. Brasher, Robert L. Brasher, Albert Colmans, James S. Collins, Thaddeus W. Dunn, Angelus W. Thomas, Alexander Dumas, Dixie M. Dunn, Melvyle Sidney Dumas, Charles E. Dunn, Sprukey H. Dunn, Mary E. Crochiers, Leo Blum, McCharg, Susan M. McCharg, Ada Maud McCharg, Monroe McCharg, Carol McCombie, Nannie May Mobley, Henry Pope Mobley, Willie McCombie, Leonard A. Williams, Marcells William, John Williams, Verne Williams, Maud Williams, Helen Williams, Maud Conn, L. Joseph Conn, Ida May Conn, Cordele A. Grantham, Patricia May Grantham, James J. Dunn, Lawrence Thomas, Sydney L. Dumas, Adela Caroline Harlan, O. C. Caroline Harlan, Cyren. Virginia Harlan, J. K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dunn, Benjamin Dumas, Kate Polson, Edgar Polson, Robert Polson, Maud Terry, Maud Terry, Dumas Terry, Millwee Terry, Louis Melrose, John E. McCharg, Mary C. L. Hays, Leone L. Hollis, William H. Hays, William H. Hollis, Jr., Lawrence W. Hollis, Ella M. Hollis, Lawrence W. Hays, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nichols, Robert N. H. Hays, N. S. K. Nichols, Edward Nichols, Myrtle N. Hays, Mary C. McLeod, Mary L. McLeod, H. C. L. Andrews, Max R. Andrews, Jr. Hattie E. Andrews, Jr., Charles T. Skinner, Blanche L. Sargent, Frances H. Hollis, Blanche G. Macdonald, Lawrence W. Dunn, Mabel T. Dumas, Anne C. Dunn, Kate L. Dumas, John S. Dumas, Lawrence W. Dunn, Jr., Mary A. Wood, Edna D. Wade, George A. Watt, Willie P. Dumas, James W. Dumas, Clark G. Dumas, Fern Dumas, John R. Dumas, Walter A. Dumas, Gustav R. Dumas, George A. Wilkerson, James A. Williams, Walter D. Williams, Maggie Ida Dumas, William P. Mens, Raymond L. Mann, Oscar M. Mens, William T. Mens, Frank E. Dumas, Bob M. Dumas, Edward W. Blaney, Edna Blakey, John B. Kerr, Nannie Black, Catherine Black, James J. Black, Annan Wood, Willie A. Wood, Lester B. Wood, Willie Wood, Ellington Wood, Elva Fry, Robert B. Shipp, Ruby B. Shipp, Mary J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., John F. Crawford, Margaret Crawford, Jewel L. Cobb, James A. Cobb, Susan M. Cobb, Christine Cobb, Major Douglas Cobb, Elizabeth Boyer Cobbwell, Margaret L. Caldwell, John Lee Caldwell, Eugene B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin D. Lee Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edgar M. Follard, Crawford J. Follard, Abner Follard, Cecil H. Follard, William Richard Follard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Greager, Margaret E. Greager, Eugene Shupp, Dan M. Shupp, Charlotte June Shupp, George H. Gresham, Oliver P. Gresham, Lezzie D. Gresham, Frances, Margaret Gresham, Robert O. Gresham, Hail Campbell Gresham, Emma Bighow, David E. Dumas, D. Berry G. Dunn, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Ona Ann Stephens, Lena A. Stephens, Harold Richard Stephens, Lou Stephens, Vernon Stephens, Charles Edwin Stephens, Jack Jackson E. Hendrick, Jr., Hella H. Hendricks, Ruth Hendricks, Russ Hendricks, Mary H. Dicker, William H. Dicker, Jr., Susan H. Dicker, Helen Martin, Vera Martin, Alice Martin, Samuel Martin, John W. Dumas, Ada B. Evans, Fred Evans, Mabel Davis, Marie P. Dumas, Mabel Blanks, Arthur Blanks, William C. Buss, Ruth J. Blanks, Mary G. Buss, Robert E. Buss, Robert E. Blanks, Jr., Nora E. Buford, Berle A. Wilson, John H. Wilson, Albert G. Dumas, Abbie Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Ferguson, William City E. Ferguson, Anna Elizabeth Dorel, Stafford Lavonia Daniels, Dixie Dunn, Connolly, Sybil Connolly, Frank C. Connolly, Marie Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Len A. Dumas, Leon Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Katherine Cannon, Edna Umphress, Carl C. Umphress, Helen M. Umphress, Paul Burton, Evelyn Elizabeth Burton, James W. Wheat, Dumas Wheat, Ivy A. Foster, Dan H. Dumas, Harriet Pinky Dumas, Edith D. Shovel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige E. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mahel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missienah Ellison, Lera Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Grace L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loyd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winne D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Noe, Chester William Noe, Vernet L. Dumas, James Don Dumas, Ella May Dumas, Clede E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winne Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman

Registered.

PCR 4435

COPY.

Tuskatee, Indian Territory, January 22, 1906.

Erma Wilow,

Tampa, Florida.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 6, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

Commissioner.



FOR IDENTIFICATION AS

20

IN RE

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
INFANT CHILD

*Leland Melley Monroe Biglow*  
is a son of

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Nation.

Approved

For

COMMISSOR.

THE INTERIOR,  
COMMISSION TO THE F. S. LANDS

FILED

MAR 28 1906

CHAS. H. HARRIS

MCR 4435

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Application for Enrollment, as a citizen of the *Choctaw or Chickasaw* Nation,  
of *Leland Ridley Monroe Biglow* born on the *22<sup>nd</sup>* day of *January*, 1903  
(Here insert name of child)  
Name of Father: *Leland Gould Biglow* a citizen of the *State of Florida*  
Name of Mother: *Erma Biglow* a citizen of the *State of Florida*  
Post-office *Gampa Florida*

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

~~Indian Territory~~  
*State of Florida*

I, *Erma Biglow*, on oath state that I am *Twenty-three*  
years of age and a citizen, by *birth* of the *State of Texas*  
that I am the lawful wife of *Leland Gould Biglow*, who is a citizen, by  
*Birth* of the *State of Wis.*; that a *male* child was  
(Male or female)  
born to me on *22<sup>nd</sup>* day of *January*, 1903; that said child has been named  
*Leland Ridley Monroe Biglow*, and is now living.

WITNESSES TO MARK:

Must be Two  
Witnesses

*Frank Lassiter*  
*E. F. Zetrouer*

Subscribed and sworn to before me this *second* day of *March* A.D. 1903

*E. F. Zetrouer*  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA.

~~Indian Territory~~  
*State of Florida*

I, *D. J. Green M.D.*, a *Physician*, on oath state that I at-  
tended on Mrs. *Erma Biglow*, wife of *Leland Gould Biglow*,  
on the *22<sup>nd</sup>* day of *January*, 1903; that there was born to her on said  
date a *Male* child; that said child is now living and is said to have been named

*Leland Ridley Monroe Biglow*

WITNESSES TO MARK

Must be Two  
Witnesses

*W. P. Adamson*  
*E. F. Zetrouer*

Subscribed and sworn to before me this *second* day of *March* A.D. 1903

*E. F. Zetrouer*  
NOTARY PUBLIC.

For Identification as a Mississippi Choctaw.

Date - 2-10-12

Name Emma Biglow

Age 22 - Color Black

Place of Birth Tampa Florida

Parents John R. Biglow, &

Mother Fannie M. "

Parents of her mother -

Her husband - Leland V. Biglow, &

No claim for husband.

~~Children~~

Children only for  
sale

Choctaw MCR 4436

Elizabeth Mullens

See MCR 3386

MCR 4436

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4436

In the matter of the application for identification as Mississippi Choctaws of Elizabeth Mullens et al., M.C. 4436.

B. S. Johnson, Attorney appearing for applicants.

Elizabeth Mullens having been first duly sworn testified as follows:

Examination by the Commission

- Q Mrs. Mullens you testified when you made application that you had one eighth Choctaw blood? A Yes sir.  
Q Mrs. Lucinda Americus Stanford is your sister is she not? A Yes sir.  
Q She has testified that she had five sixteenths Choctaw blood? A Yes sir.  
Q Do you want to change your testimony from one eighth to five sixteenths? A Yes I claim the same as she does.  
Q And you want to change your testimony to make it the same as hers? A Yes sir.  
Q You are sisters? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*  
Subscribed and sworn to before me this 7th day of January 1902.

*Charles Mitchell*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4436

In the matter of the application for identification as Mississippi Choctaws of Elizabeth Mullens for herself and her three minor grandchildren, Drommie Bailey, William Bailey and William Pinkney Mullens

Applicant represented by attorney B. S. Johnson.

Elizabeth Mullens being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth Mullens.  
Q What is your age? A Seventy.  
Q What is your post office address? A Mart, Texas.  
Q How long have you lived at Mart, Texas? A Eighteen years.  
Q Where were you born? A On the line between Mississippi and Alabama.  
Q In what County? A Franklin County.  
Q How old were you when you left there? A Twenty-three years old.  
Q And went to where? A Texas.  
Q Is your father living? A No sir he has been dead about thirty years.  
Q What was his name? A George Washington Henry.  
Q Is your mother dead? A Yes sir she has been dead about twelve years.  
Q What was her name? A Catherine Henry.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir not that I know of.  
Q Is your husband living? A No sir he is dead? A  
Q What was his name? A Benjamin Mullens.  
Q Did he have any Indian blood? A No sir not as I know of.  
Q He was a white man? A Yes sir.  
Q Are you children all married? A Yes sir, all three are married.  
Q What are the names of the three? A My daughters name is Drommie Sweetman.  
Q What is the name of the next married child? A Alice Douglas.  
Q What is the name of the next one? A Doc Mullens.  
Q That is a girl's name? A No it is a boy. Then I had two that died that left children.  
Q Give me the name of the mother of these grandchildren for whom you are going to make application? A Margaret Bailey by daughter.  
Q She is dead? A Yes sir.  
Q When did she die? A She died in eighty nine.  
Q You remember the date of the month? A Yes the 17th day of April.  
Q Have you any grandchildren living with you? A Yes I have got three.  
Q What is the name of the oldest one you have with you? A Drommie D-r-o-m-m-i-e Bailey.  
Q How old is Drommie? A Seventeen years old.  
Q Is that a girl? A Yes sir.  
Q What is the name of the next child? A William Pinkney Mullens.

- Q Is it not Bailey? A No; one of my sons that died left a child but there is another Bailey grandchild, named William Bailey.
- Q How old is William Bailey? A Fifteen years old.
- Q Is Drommie Bailey and William Bailey both the children of your deceased daughter Margaret Bailey? A Yes sir.
- Q Is their father also dead? A Yes sir.
- Q What was his name? A Nathan Bailey.
- Q Both of these parents of Drommie and William are dead? A Yes sir both of them.
- Q Through which parent do these children claim their Choctaw blood? A Through their mother.
- Q How much Choctaw blood do you claim for these children? A About One twenty second.
- Q You mean one thirty second? A Yes sir.
- Q Are you the guardian of these children? A Yes sir.
- Q Have you charge of these children? A Yes sir I raise them.
- Q Both their father and mother are dead? A Yes sir.
- Q And you claim for these grandchildren through Margaret Bailey your daughter? A Yes sir.
- Q These children claim through their mother who would have claimed through you? A Yes sir.
- Q Was your daughter Margaret Bailey ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.
- Q Have you any other grandchildren living with you for whom you wish to make application? A Yes my son's child.
- Q What is his name? A William Pinkney Mullens.
- Q How old is William Pinkney Mullens? A Fifteen years old.
- Q Is his father living or dead? A He is dead.
- Q What was his name? A Pinkney Mullens.
- Q What was his mother's name? A Liddie Mullens.
- Q She living? A No sir she is dead.
- Q Are you the legal guardian of William Pinkney Mullens? A Yes sir.
- Q And the grandmother? A Yes sir.
- Q His father is your son? A Yes sir.
- Q How much Choctaw blood do you claim for this boy William Pinkney? A One thirty-second.
- Q His father would be one-sixteenth would he? A Yes sir.
- Q Has the father of William Pinkney Mullens ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q When and where was Nathan Bailey married to your daughter Margaret Bailey? A Mart, Texas.
- Q When? A In Seventy-four.
- Q You remember day of the month? A 12th day of July.
- Q By a minister and under a license? A Yes sir.
- Q When and where were Pinkney and Liddie Mullen married? A Falls County, Texas., the 19th day of December eighty four.
- Q Have you the marriage license between Pinkney Mullen and his wife Liddie? A Yes sir.
- Q Have you it with you? A No sir.
- Q You can present it later? A Yes sir.
- Q You claim for your self and these three grandchildren? A Yes sir.
- Q Is your name of the names of any of these grandchildren on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for yourself and these grandchildren? A No sir I never tried.
- Q Have you ever made application for citizenship in the Choctaw Nation for these children and yourself to the Dawes Commission

under the act of Congress of June 10th 1896? A No sir.

- Q Have you or any of your grandchildren ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time tried to become enrolled as a Choctaw Indian or tried to get these grandchildren enrolled by applying to the Choctaw tribal authorities or the United States authorities? A No sir this is my first attempt.
- Q You now come before the Commission for the purpose of identifying yourself and your minor grandchildren as Mississippi Choctaws under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
- Q You understand that article of that treaty? A I don't know that I do exactly.

Article fourteen of the treaty of eighteen hundred and thirty was put into that treaty for the protection of the Mississippi Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama when that treaty was made and who at that time or thereafter refused to go to the Choctaw Nation Indian Territory. The treaty of eighteen hundred and thirty was made between the Choctaw Indians, living in that old Choctaw Nation and the United States Government and was made for the purpose of removing all of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. Now this article; article fourteen, was put into the treaty for the benefit of the Choctaw Indians who stayed back there in the old Choctaw Nation and reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article of that treaty now as explained to you? A Yes sir.
- Q Did any of your ancestors or the ancestors of these children comply or attempt to comply with any of the provisions of article fourteen of the treaty? A None that I know of but I know that they belonged to the Choctaw Nation.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charley Gates, my great grandfather.
- Q Did he live in Mississippi or Alabama in eighteen hundred and thirty? A Yes sir in Mississippi.
- Q Was he the head of a family there at that time? A Yes sir.
- Q How much Choctaw blood did he have? A He was one-half.



#4

- Q How do you know he was one half? A It came from my mother; my own grandfather I heard him talking about it.
- Q What was his son's name, your grandfather? A On my mother's side.
- Q You claim through your mother? A Yes sir.
- Q She claimed through which parent? A Her father.
- Q What was his name? A Philip Gates.
- Q Did he live in Mississippi? A Yes right close by
- Q Where? A On the line in Franklin County.
- Q And Philip Gates claimed through which parent? A Father.
- Q Where was he born? A I don't know exactly.
- Q Where was his son Philip Gates born? A In Mississippi I think it was.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Uncle William was among them there. He tried to get his rights there but could not, he was cheated out of them.
- Q What was his name? A William Gates my mother's brother.
- Q You say he tried to get rights there? A Yes sir.
- Q Where? A In Mississippi.
- Q When? A About 1832.
- Q Did he go before the Indian Agent Colonel Ward? A Yes that is what I have been told.
- Q How was it he did not get his rights? A He was cheated out of it.
- Q Who said so? A My uncle.
- Q Did you say this was your father's brother? A No my mother's brother.
- Q Did any of your Choctaw ancestors going back in a direct line ever make application for rights in Mississippi under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your ancestors or any of your kins-folks in Mississippi own any improvements on land in Mississippi or Alabama? Yes sir they owned land there.
- Q Did they own any improvements on the land? A No sir I don't know that they did.
- Q Did they get any land from the government? A No sir, I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A Yes sir.
- Q Who went? A My mother had a sister.
- Q I mean your own ancestors? A I don't know about that.
- Q You say your mother's sister? A A Yes sir.
- Q What was her name? A Her name was Ebbie Dewoddie.
- Q What was her maiden name? A Ebbie Gates.
- Q Your mother's sister? A Yes sir.
- Q She went from Mississippi to the Indian Territory? A Yes sir.
- Q You know when? A No I don't know when, only way up high on the Red River I think. I never seen her I only heard the old folks talk about it.
- Q Did any of your other ancestors go from Mississippi or Alabama to the Indian Territory? A No sir I don't recollect.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know I am not certain of that.
- Q Did any of them claim any land in Mississippi or receive any in Mississippi or Alabama under article fourteen of the treaty of eighteen hundred and thirty? A No sir I only know about uncle William Gates.
- Q And he was cheated out of it you say? A Yes sir that is what they said.

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- Q Did any of your Choctaw ancestors claim any land or any rights under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A None that I have ever heard of only uncle William.
- Q Did any of your Choctaw ancestors claim any rights or benefits or privileges under any other treaty made between the United States and the Choctaw Indians? A No sir I never heard it.

The Indians who stayed back in the old Choctaw Nation in Mississippi or Alabama under the treaty of eighteen hundred and thirty and after that treaty was ratified were required to go to the United States Indian Agent within six months from the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States and that they intended to take advantage of the provisions of article fourteen of that treaty. A good many Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's register. This failure of his caused a good many Indians to lose their land upon which they had improvements, both were taken from them by the government and sold at the public land sales. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these Commission, that of 1837 or the Commission of 1842 and claim benefits under the fourteen article? A I don't know.

By attorney Johnson:

- Q you understand that question; you talked to me about that before. Did you fully consider that question? A Yes sir.
- Q Here is the point! He asked you the question whether any of your ancestors after 1830, after the treaty, in thirty-seven or forty,, do you know whether or not any of your ancestors made an attempt to get land in Mississippi under that treaty? A Yes sir my uncle William Gates did.

By the Commission;

- Q The question now is Mrs. Mullens, did any of your ancestors appear before either Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, or before the Commission of 1837, or before the Commission of 1842 and claim benefits as Choctaw Indians? A If they did I don't know.

By attorney Johnson:

- Q Who is our ancestor? A My mother.

Q By the Commission:

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that that any Choctaw Indians had proven their claims under article fourteen of the treaty of 1830 and if it also appeared that these Choctaw Indians had their lands taken from them by the government and sold that they should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands and that certificates should be issued to them to this

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effect. These certificates were called scrip.

Q Did any of your ancestors receive any of this scrip from the government as Choctaw Indians? A No sir.

Q Have you any relatives who have come before this Commission and claimed their rights through the same ancestor? A Yes my sister.

Q What is her name? A Lucinda Stanford.

Q Any others? A Yes several of the cousins.

Q Can you tell me the names of any? A Bud Bentley.

Q By attorney Johnson:

Q What kin is Philip Gates to you? A Double cousin.

Q  
By the Commission:

Q Philip Gates has appeared here? A Yes sir.

Q Any other relatives of yours? A Yes sir.

Q What are their names

By attorney:

Q Sarah Britton you know her? A Yes sir.

Q By the Commission

Q What relation to you? A Cousin.

Q You want the testimony of these people you have named considered together with your testimony? A Yes sir.

Q You understand Choctaw? A I can't speak much of it.

Q Have you any evidence or testimony that you want to introduce now? A No sir.

By attorney Johnson:

Q You want to file your application there? A Yes sir.

Q Well hand it to him.

Q You want to file all this? A No only what you made out for me.

By the Commission

The application of Elizabeth Mulliens presented by applicant received, filed, marked exhibit "A" and made a part of the record in this case.

By attorney Johnson.

There is the affidavit of Lucinda Stanford but I have this party here and will introduce her if it is best.

By the Commission:

My instructions are not to receive this affidavit in this form.

By attorney Johnson:

Well just mark in rejected and leave it with the papers to identify the case.

By the Commission:

As I understand it then Mr. Johnson you do not care to present this affidavit of Lucinda Stanford?

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By attorney Johnson:

Well I understand that under the rules now we are not entitled to present that affidavit; I will have her identify this applicant as her sister.

Q By the Commission:

Q Have you any witnesses present you want to call in support of your application? A Yes sir.

Q What is the name of this witness? A Lucinda Americus Stanford.

Applicant excused:- - - - -

Lucinda Americus Stanford, called as a witness on behalf of this applicant, being first duly sworn testified as follows:

Examination by the Commission

Q What is your full name? A Lucinda Americus Stanford.

Q Are you related to Elizabeth Mullens? A Yes sir.

Q What is your post office address? A Durant, Indian Territory.

Q What is your age? A Sixty-one.

Q Have you made application to be identified as a Mississippi Choctaw? A Yes sir.

Q When did you appear? A In August.

Q 1901? A Yes sir.

Q Where did you appear? A At Atoka.

Q What relation are you to Elizabeth Mullens? A We are sisters.

Q What do you know about her Choctaw blood? A I know she has got one-eighth.

Q How do you know it? A Her mother claimed one quarter.

Q Her mother and that was your mother? A Yes sir.

Q What was her name? A Catherine Henry.

Q She claimed through whom? A Her father.

Q What was his name? A Philip Gates.

Q And he claimed through whom? A Father and mother both, Charles and Margaret Gates.

Q How much Choctaw blood did Charles Gates have? A One-half.

Q How much Choctaw blood do you claim to have? A I claim one-eighth.

Q The same that your sisters claims, Elizabeth? A Yes sir.

Q What relation was Charles Gates to you? A My great grandfather.

Q And his son was Phillip? A Yes sir.

Q He would have one quarter? A One-quarter.

Q That is your grandfather? A Yes sir.

Q Now Phillip Gates' daughter was Catherine Gates? A Yes sir.

Q And your mother's name was what? A Catherine Gates.

Q You get one-sixteenth through Charles Gates who had one-half? A Yessir.

Q You say his wife's name was Margaret? A Yes sir.

Q She had how much Choctaw blood? A Full blood.

Q You claim through your mother Catherine? A Yes sir.

Q She claimed through which parent father or mother? A Father and mother both.

Q How much did her mother have? A Her mother claimed one half..

Q She claimed through which parent father or mother? A Through her father and mother both, they all had it.

Q What was her father's name? A My grandfather his name was George Hampton.

Q What was his mother's name? A Catherine Hampton.

Q Who was Margaret then? A She was Charles Gates' wife, she was a Talli.

- Q Now then if your mother had one-half Choctaw blood you would have one-half of that which would be one-quarter would you not? A I don't know.
- Q You would have one quarter of course if your mother had one half that is a matter of figures, would you not; now you have to reduce that to the same fractions which would be one-sixteenths, make it five sixteenths; how much Choctaw blood did your mother Catherine Henry have? A Her name was Catherine Henley.
- Q How much Choctaw blood did your mother have? A She always claimed one quarter.
- Q A while ago you said one half? A No I said her mother was one half.
- Q Her father's name was what? A Wash Henley.
- Q How much Choctaw blood did he have? A None.
- Q Very well then you can't have it one eighth? A That is all I ever claimed.
- Q Then as far as you understand it you and your sister both claim one eighth Choctaw blood? A Yes sir.
- Q You have testified to lots of different things here? A I never have.
- Q Charles Gates was what relation of yours? A Grandfather.
- Q He had how much Choctaw blood? A One-half.
- Q His wife Margaret had how much Choctaw blood? A Full blood.
- Q What was their son's name? A Philip Gates.
- Q If his mother Margaret was a full blood, Philip would be one-half of that which would be one half Choctaw blood? A Yes sir.
- Q Now then if his father Charles has one half Choctaw blood, he would have one half of that which is one quarter, would he not? A Yes sir.
- Q Therefore Philip would have one half from his mother and one quarter from his father which would be three quarters would it not? A Yes three quarters.
- Q Philip married a Catherine Hampton? A Yes sir.
- Q How much Choctaw blood did she have? A She claimed one half.
- Q That was their daughters name? A Catherine.
- Q That was your mother? A Yes sir.
- Q Now then your mother claims one half or three quarters from her father? A Yes sir.
- Q Add one half of one half from her mother? A Yes sir.
- Q One-half of three quarters is three eighths? A Yes sir.
- Q And one half of one quarter is two eighths is it not? A Yes sir.
- Q Then two eighths added to three eighths makes five eighths does it not? A Yes sir.
- Q Then you would be one half of five eighths would you not; which is five sixteenths, is that right? A Yes sir.
- Q If you claim five sixteenths, that would also be the quantity of Choctaw blood your sister Elizabeth Mullens claims is it not? A Yes sir.
- Q Do you know anything more now that you would like to say in support of this claim your sister Elizabeth Mullens makes? A Nothing more that I know of, I have a niece here whose mother is dead.
- Q She does not know anything more than you did? A No sir.

Witness excused: - - - - -

This applicant, Elizabeth Mullens has the appearance and physical characteristics of being descended from white parentage, medium dark complexion, brown hair, blue eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of eighteen hundred and thirty.

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G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the foregoing cause on January 2, 1902 and that the foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 6th day of January 1902.

*Wm. H. Hill*

Notary Public.

HENRY L. DAWES  
TAMM BIXBY,  
JAMES H. B. NEEDLES  
AND OTHERS

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED OCT 17 1902

M.C.R. 4436

Muskogee, Indian Territory, October 15, 1902.

Elizabeth Mullens,

Wart, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                   |            |
|-----------------------------------|------------|
| William H. Gates,                 | M C R 3386 |
| Sarah (A) Lytal, et al.,          | M C R 3377 |
| Elizabeth J. Maxwell, et al.,     | M C R 3378 |
| Matilda Emily Lytal,              | M C R 3387 |
| Sarah Ann Benson,                 | M C R 3607 |
| Mollie B. Paschal,                | M C R 3608 |
| Phillip H. Gates,                 | M C R 3441 |
| Mary C. Nabers, et al.,           | M C R 3422 |
| Charles V. Gates, et al.,         | M C R 3423 |
| Thomas L. Gates, et al.,          | M C R 3421 |
| Phillip A. Gates,                 | M C R 3370 |
| John R. Hughes, et al.,           | M C R 3594 |
| William V. Bentley, et al.,       | M C R 3295 |
| John Harvey Bentley,              | M C R 3596 |
| Fred G. Bentley,                  | M C R 3593 |
| Arthur B. Bentley,                | M C R 3595 |
| Percy (H) Gates,                  | M C R 3690 |
| William McLelland,                | M C R 3388 |
| Mary C. Pagan, et al.,            | M C R 3389 |
| Sydney E. Armistead, et al.,      | M C R 3409 |
| William A. Pagan,                 | M C R 3391 |
| Rebecca McLain, et al.,           | M C R 3420 |
| Elby Hesterly, et al.,            | M C R 3408 |
| Steele McLelland, et al.,         | M C R 3390 |
| George W. McLelland, et al.,      | M C R 3402 |
| Elizabeth Mullens, et al.,        | M C R 4436 |
| Alice Douglas, et al.,            | M C R 4471 |
| Drommie Sweetman, et al.,         | M C R 4437 |
| Lucinda Amernus Stanford, et al., | M C R 3294 |
| Catherine Akins, et al.,          | M C R 3442 |
| Phillip Stanford,                 | M C R 3443 |
| Mattie Lynch, et al.,             | M C R 3609 |



|                                  |        |      |
|----------------------------------|--------|------|
| Pass Rogers, et al.,             | M C R  | 4458 |
| Justie Cox, et al.,              | M C R  | 5084 |
| Eva Hardy, et al.,               | sl C R | 5120 |
| John H. Britton,                 | M C R  | 5605 |
| Arthur E. Britton, et al.,       | M C R  | 5606 |
| Alice N. Sanders, et al.,        | M C R  | 4459 |
| Luther Alma Rogers, et al.,      | M C R  | 1223 |
| William Clifton Britton, et al., | M C R  | 1351 |
| William G. Britton,              | M C R  | 3610 |
| William K. Britton, et al.,      | M C R  | 3616 |
| Sarah Wilson Dye, et al.,        | M C R  | 3612 |
| Buena Vista Cove, et al.,        | M C R  | 3615 |
| Add Benton Britton, et al.,      | M C R  | 3820 |
| William Robert Britton, et al.,  | M C R  | 3611 |
| Lulu B. L. Britton,              | M C R  | 3613 |
| Arthur Gray Britton,             | M C R  | 3614 |
| Coryn Eugene Britton, et         | M C R  | 3617 |
| Mary C. Cox, et al.,             | M C R  | 1287 |
| James A. Cox, et al.,            | M C R  | 1288 |

These applications were made under the authority of a joint letter of Congress of June 28, 1898, (40 Stat., 426), which reads in part as follows:

"Such a commission shall have authority to examine the identity of Cherokees Indians, claiming rights in the Catox lands, under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may cause their names, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such discussion concludes as follows:

[illegible]



William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLolland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

J. D. WILKES.  
Commissioner in Charge.

M.C.R. 4436

Muskogee, Indian Territory, December 22, 1902.

Elizabeth Mullens,  
Mart, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Acting Chairman.

MCR-4436

Muskogee, Indian Territory, October 19, 1906.

Elizabeth Mullens,  
Wart, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and grandchildren is a part.

Respectfully,

Commissioner.



Choctaw MCR 4437

Drommie Sweetman

See MCR 3386

MCR 4437

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4437  
In the matter of the application for identification as Mississippi Choctaws of Drommie Sweetman et al.

4438  
In the matter of the application for identification as Mississippi Choctaws of Puss Rogers et al.

4439  
In the matter of the application for identification as Mississippi Choctaws of Alice N. Sanders et al.

B. S. Johnson attorney appearing for applicants.

Lucinda Americus Stanford called as a witness in behalf of the applicants in the above entitled cases, testifies as follows:

Examination by the Commission

- Q What is your name? A Lucinda Americus Stanford.  
Q What is your age? A Sixty-one.  
Q What is your post office address? A Durant, Indian Territory.  
Q How long have you lived there? A Two months.  
Q Where did you live before you went to Durant? A Hill County, Texas.  
Q Where were you born? A Born in Alabama, in Franklin County.  
Q How long did you live in Alabama? A About thirty five years I reckon.  
Q Have you made application to be identified as a Mississippi Choctaw before the Commission at Atoka? A Yes sir.  
Q In what month was it? A In August.  
Q In 1901? A Yes sir.  
Q Do you know Drommie Sweetman? A Yes sir.  
Q What relation is she to you? A Niece.  
Q Do you know Puss Rogers? A Yes sir.  
Q What relation to you? A Niece.  
Q You know Alice N. Sanders? A Yes sir.  
Q What relation to you? A Cousin.  
Q Do you know whether or not they are descendants from a common ancestor named Charley Gates? A Yes sir.  
Q What relation was Charley Gates to Drommie Sweetman? A He was her mother's great grandfather.  
Q That would make him Drommie Sweetman's great great grandfather? A Yes sir.  
Q Now what relation was he to Puss Rogers? A Same.  
Q Great great grandfather is that right? A Yes sir.  
Q What relation was he to Alice N. Sanders? A Now you will have to count that up;--her father Charles Gates was her father's great great grandfather.  
Q What was that? A Her father's great great grandfather, Charley Gates was her father's great grandfather.  
Q Great or great great grandfather? A Great great grandfather.  
Q How much Choctaw blood did Philip Gates have? A Well you figure it up.  
Q Yes I know but you are testifying; Philip Gates had one half you said a little while ago? A That is the way I had it this morning.  
Q Well have you got it that way now? A Yes sir.

#2

- Q Did his wife have any Choctaw blood? A Yes sir.
- Q What was her name? A Catherine.
- Q How much did Catherine have? A She claimed one half.
- Q Just the same as her husband? A Yes sir.
- Q Charles Gates was the great great grandfather of these three applicants was he not; Drommie Sweetman, Puss Rogers and Alice N. Sanders, was he not? A Yes sir now Alice Sanders, her father Charles Gates was her father's great great grandfather.
- Q Can you tell me what relationship Charles Gates and his wife Margaret were to Drommie Sweetman, Puss Rogers and Alice N. Sanders? A I told you Puss Rogers and Drommie Sweetman are nieces of mine.-----My sisters children.
- Q What is her name? A Sarah Mitchell. The other lady, her father was a cousin of mine. His mother and my mother were sisters and his sister, now I don't know----was her great grandfather, how great it was, I told you you would have to do that.
- Q You know anything more about it? A No sir.
- Q How much Choctaw blood if you know does Drommie Sweetman claim? A You will have to count it up, I want it right.
- Q Can you tell how much Choctaw blood Puss Rogers has? A I don't know.
- Q How much Choctaw blood did Alice N. Sanders have? A I don't know that.
- Q Do you know whether Charley Gates lived in Mississippi or Alabama in 1830? A Yes he died there.
- Q Where did he die? A In Franklin County and was buried near Russellville.
- Q Is that in Mississippi or Alabama? A It is in Alabama. Now it used to be in the old Choctaw Nation.
- Q You know what date he died? A No sir I do not.
- Q Do you know whether his wife Margaret died in Mississippi or Alabama? A She died right on the Mississippi-Alabama line and was buried in the old Russellville grave yard, called the Choctaw grave-yard.
- Q Now what was the name of the ancestor through whom these parties claim their right to be identified through? A Philip Gates.
- Q Did he live in Mississippi or Alabama? A Yes he lived and died in the same place where Charles did.
- Q Did he live in Mississippi in 1830? A Yes and a long time before that.
- Q Did he have a family there in 1830? A Yes sir.
- Q How do you know that he had a family there? A I heard my mother say so.
- Q It is a matter of family history? A Yes sir,--I seen the old grave-yard. I seen my grandfather Philip buried there.
- Q Now what was Philip's wife's name? A Catherine.
- Q How much Choctaw blood did she have? A She claimed one-half.
- Q And Philip one-half? A Yes sir.
- Q Now which is the ancestor, a descendant of Philip that these applicants claim through? A Charles Gates.
- Q I mean a son of Philip or daughter of Philip? A Through his daughter.
- Q What was her name? A Sarah Britton.
- Q A daughter of Philip and Catherine Gates is the ancestor of Alice N. Sanders, is that right? A Yes sir.
- Q That was the mother of this applicant? A Yes sir the mother of her father.
- Q Now then who does Puss Rogers claim through; Philip and Catherine? A Yes sir, her mother was Philip Gates' grand daughter.
- Q She is the great grand daughter of Philip Gates then? A Yes sir.

#3

- Q And Drommie Sweetman is a great grand daughter of Philip and Catherine Gates? A Yes sir.
- Q Now then did Charles Gates or his son Philip Gates or any of their ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there? A I don't know I never heard nothing of that.
- Q Do you know whether any of them claimed any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them claim or own any land under any treaty between the United States and Choctaw tribe of Indians other than the treaty of 1830? A I don't know that either.
- Q Did any of the ancestors of these three applicants receive any scrip from the United States government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which the United States government had taken from them in Mississippi? A I don't remember.
- Q Did any of the ancestors of these three applicants go before the Commission of 1837 or the Commission of 1842 and claim any rights or benefits under article fourteen of the treaty of 1830? A I don't know that they did.
- Q You claim through Charles Gates do you not? A Yes sir.
- Q And you claim how much Choctaw blood; five sixteenths was it not? A Yes that is what you counted it up.
- Q You are a sister of Elizabeth Mullens are you not? A Yes sir.
- Q What relation is Elizabeth Mullens to Drommie Sweetman? A Drommie Sweetman's mother.
- Q What relation is Puss Rogers to Elizabeth Mullens? A Niece.
- Q Was Puss Rogers mother a sister of Elizabeth Mullens? A Yes sir.
- Q And what relation is Alice N. Sanders to Elizabeth Mullens? A Cousin.
- Q On which side father or mother? A Mother.
- Q Is there anything more that you want to say now to support the testimony of these applicants? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 7th day of January 1902.

*Clare M. Hill*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4437

In the matter of the application for identification as Mississippi Choctaws of Drommie Sweetman for herself and her three minor children Katie, Louise, and Mamie Sweetman.

Applicant represented by attorney B. S. Johnson.

Drommie Sweetman being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Drommie Sweetman.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A Mart.  
Q Texas? A Yes sir.  
Q How long have you lived at Mart? A About eighteen years.  
Q Where did you live before that? A In Robertson, County, Texas.  
Q Were you born there? A No in Ellis County, Texas.  
Q Is your father living? A No sir my father is dead.  
Q What was his name? A Benjamin Mullens.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Elizabeth Mullens.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A Well I could not tell you, you all were figuring on it this morning.  
Q Is your mother Elizabeth Mullens the same who made application this morning to be identified as a Mississippi Choctaw? A Yes sir.  
Q She claimed five sixteenths? A You claim one-half of that? A Yes sir.  
Q One-half of five sixteenths is five thirty-seconds, you claim that? A Yes sir.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Thomas Sweetman?  
Q Is he living? A Yes sir.  
Q White man? A Yes sir.  
Q You don't make any claim for him as an Indian? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Three children.  
Q What is the name of the oldest? A Katie.  
Q How old is Katie? A She is five years old.  
Q The next? A Three years old.  
Q What is its name? A Louise.  
Q What is the name of the next? A Mamie.  
Q How old is Mamie? A Three months old.  
Q You claim for yourself and these children do you? A Yes sir.  
Q Is Thomas Sweetman the father of these children? A Yes sir.  
Q They live with you at your home? A Yes sir.  
Q Is your name or the names of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your children to the Choctaw tribal authorities in Indian Territory? A No sir.

- Q Have you ever made application for enrollment of yourself and any of your minor children to the Dawes Commission under the act of Congress of June 16, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Did you ever come before the Commission for the purpose of enrolling yourself and your children as Mississippi Choctaws and for the purpose of identifying yourselves as such under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Not altogether.

The treaty of eighteen hundred and thirty was made between the United States Government and the Choctaw Indians at a place called Landing Rabbit Creek in Mississippi on the 27th day of September of that year and was ratified afterwards on the 24th of February 1831. Before the treaty was signed it became known that a great many Choctaw Indians living in the old Choctaw Nation would not go with the other members of the Nation under that treaty from the old Choctaw Nation to the New Choctaw Nation Indian Territory. One of the principal objects of that treaty was to get all of the Choctaw Indians to go from Mississippi and Alabama to the Choctaw Nation Indian Territory, in order though to protect the interests of these Indians who refused to go but who wanted to remain in Mississippi or Alabama article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of the treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to rejoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors ever complied with or attempted to comply with any of the provisions of the fourteenth article of the treaty? A Not that I know of.
- Q Do you understand that article? A Yes sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830 through whom you claim your right to be identified as a Mississippi Choctaw? A Charley Gates and Catherine Gates.
- Q Husband and wife? A I don't know whether they were, or not. I have been told it came through them.
- Q What relation was Catherine Gates to Charley Gates? A I could not tell you. I don't know whether they were husband and wife or not.
- Q How much Choctaw blood did Charley Gates have? A I don't know exactly.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama? A They lived near the line.

#3

- Q Where in Mississippi or Alabama? A In Mississippi I think.  
Q Did any of them live there in 1830? A I don't know.  
Q Were any of them heads of families and living there at that time? A Yes I think the older ones.  
Q Who? A Catherine and Charley Gates.  
Q Who was Charley; what relation to you? A My great grandfather.  
Q Was Catherine Gates your great grandmother? A Yes sir.  
Q You think that was his wife? A I think it was, I would not be positive.  
Q Did Catherine Gates or Charley Gates, either of them speak the Choctaw language or have Indian names? A I don't know.  
Q Did either of them own any improvements on land in Mississippi or Alabama in 1830? A Yes they held land there.  
Q Improvements on land? A I don't know.  
Q Where did they get the land they owned? A They bought it.  
Q They did not get it from the government? A No sir.  
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir I don't think they did.  
Q Did any of your ancestors if Choctaw Indians go from Mississippi or Alabama to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A I don't know.  
Q Did any of your Choctaw ancestors own any lands or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.  
Q Did they claim any land or any benefits under any other article of the treaty than article fourteen or under the supplement of the treaty? A I have been told that one of the Gates's claimed land there but did not get it.  
Q What gates was that? A I believe Henry Gates.  
Q What relation to you? A I could not tell you.  
Q Was it a direct ancestor of yours or uncle or grand uncle? A Grand uncle I suppose.  
Q Did any of your Choctaw ancestors claim any rights or benefits under any treaty made between the United States government and the Choctaw tribe of Indians? A No sir.

The Indians who stayed in Mississippi in 1830 after that treaty of eighteen hundred and thirty was ratified, if they wished to take advantage of the provisions of this fourteenth article of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names do not appear on Ward's register. This failure of Colonel Ward to put the names of all these claimants upon the list made by him caused a good many Indians who had land in Mississippi to have their land taken from them by the government and sold at the public land sales together with the improvements they had upon it. This caused a good many complaints among the Indians so that in 1837 Congress appointed a Commission. This Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty. In 1842 another Commission was appointed for the same purpose. This Commission also heard all claimants who came before it.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty? A I don't think they did I never heard of it.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him and sold by the government, he should be entitled to select land elsewhere, in the State of Mississippi, Alabama, Louisiana or Alabama, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your Choctaw ancestors receive any of this scrip from the government as Choctaw Indians? A. No sir.

- Q What relatives of yours have appeared before this Commission to be identified as Mississippi Choctaws? A Mu Mother.  
 Q What is her name? A Elizabeth Mullens, and mu aunt.  
 Q What is her name? A Lucinda Americus Stanford  
 Q Any others? A Yes some of my cousins.  
 Q Can you give their names? A Catherine Akens, Mattie Lynch, Phil Stanford and several on the Gates'.  
 Q You don't recall the names now? A Some of them I have never met.  
 Q They all claim through Charley Gates? A Yes sir.  
 Q You want to have their testimony considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.  
 Q Have you any documentary evidence you want to introduce now? A Yes sir.

The application of Drommie Sweetman presented, marked exhibit "A" filed and made a part of the record in this case.

The affidavit of Lucinda Americus Stanford presented by this applicant but is refused by the Commission for the reason that it is not an affidavit which applies particularly to the matter of this application made by Drommie Sweetman.

- Q Do you understand the Choctaw language? A No sir.  
 Q Is there anything further you would like to say in support of your claim? A No sir.

This applicant has the physical characteristics and appearance of being descended from white parentage; medium dark complexion, brown hair, blue eyes and does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 6th day of January 1902.

Notary Public.

HENRY L. DAVIS,  
TAMM B. ARDY,  
J. M. D. NEEDLES,  
R. B. D. NEEDLES

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4437

Muskogee, Indian Territory, October 15, 1902.

Dromie Sweetman,

Wart, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                    |            |
|------------------------------------|------------|
| William H. Gates,                  | M C R 3386 |
| Sarah (A) Lytal, et al.,           | M C R 3377 |
| Elizabeth J. Maxwell, et al.,      | M C R 3378 |
| Matilda Emily Lytal,               | M C R 3387 |
| Sarah Ann Benson,                  | M C R 3607 |
| Mollie B. Paschal,                 | M C R 3608 |
| Phillip H. Gates,                  | M C R 3441 |
| Mary C. Nabers, et al.,            | M C R 3422 |
| Charles V. Gates, et al.,          | M C R 3423 |
| Thomas L. Gates, et al.,           | M C R 3421 |
| Phillip A. Gates,                  | M C R 3370 |
| John R. Hughes, et al.,            | M C R 3594 |
| William V. Bentley, et al.,        | M C R 3295 |
| John Harvey Bentley,               | M C R 3596 |
| Fred G. Bentley,                   | M C R 3593 |
| Arthur B. Bentley,                 | M C R 3595 |
| Percy (H) Gates,                   | M C R 3690 |
| William McLelland,                 | M C R 3388 |
| Mary C. Pagan, et al.,             | M C R 3389 |
| Sydney E. Armistead, et al.,       | M C R 3409 |
| William A. Pagan,                  | M C R 3391 |
| Rebecca McLam, et al.,             | M C R 3420 |
| Elby Hesterly, et al.,             | M C R 3408 |
| Steele McLelland, et al.,          | M C R 3390 |
| George W. McLelland, et al.,       | M C R 3402 |
| Elizabeth Mullens, et al.,         | M C R 4436 |
| Alice Douglas, et al.,             | M C R 4471 |
| Dromie Sweetman, et al.,           | M C R 4437 |
| Lucinda Americus Stanford, et al., | M C R 3294 |
| Catherine Akins, et al.,           | M C R 3442 |
| Phillip Stanford,                  | M C R 3443 |
| Mattie Lynch, et al.,              | M C R 3609 |

|                                  |       |      |
|----------------------------------|-------|------|
| Puss Rogers, et al.,             | M C R | 4438 |
| Josie Cox, et al.,               | M C R | 5081 |
| Eva Hardy, et al.,               | M C R | 5120 |
| John H. Britton,                 | M C R | 3605 |
| Arthur E. Britton, et al.,       | M C R | 3606 |
| Alice N. Sanders, et al.,        | M C R | 4439 |
| Luther Alma Rogers, et al.,      | M C R | 1223 |
| William Clifton Britton, et al., | M C R | 1331 |
| William G. Britton,              | M C R | 3610 |
| William K. Britton, et al.,      | M C R | 3616 |
| Sara Wilson Dye, et al.,         | M C R | 3612 |
| Berna Vista Dye, et al.,         | M C R | 3615 |
| Add Benton Britton, et al.,      | M C R | 3820 |
| William Robert Britton, et al.,  | M C R | 3611 |
| Lulu Bell Britton,               | M C R | 3613 |
| Arthur Cox Britton,              | M C R | 3614 |
| Ernest Luther Britton, et al.,   | M C R | 3617 |
| Mary C. Cox, et al.,             | M C R | 4287 |
| James A. Cox, et al.,            | M C R | 4288 |

These regulations were made under the provisions of the act of Congress of June 28, 1898, (30 Stat., 426), which is as follows:

"Such Commission shall have authority to determine the identity of persons claiming rights in the Chiricahua Lands, under article fourteen of the Treaty between the United States and the Chiricahua Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The same order is followed.

It is a rare privilege to be able to refer to the names of the persons who have been so successful in determining the ancestry of Warren H. Gates, Sarah A. Lynch, Violet or Edith Lynch, Elizabeth J. Maxwell, Winnie Lynch Maxwell, Maude Emily Lynch, Sarah Ann Benson, Mollie B. Pischel, Philip H. Gates, Mary C. Young, Charles Noyes, Lizzie Noyes, Thomas Noyes, Willie Noyes, Earl Noyes, Charles V. Gates, Arthur Gates, Arthur Gates, Philip Gates, Bessie Gates, Clyde Gates, Gladys Gates, Thomas L. Gates, Frederick Thomas Gates, Mary Gates, Thomas S. Gates, Erin Gates, Philip A. Gate, John R. Hughes, Charles A. Hughes, William A. Bentley, Gladys Bentley, Willie Bentley, Joan Harvey Bentley, Fred G. Bentley, Arthur Bentley, John H. Gates, Mary C. Pigeon, Sydney G. Armstrong, Lillie B. Armstrong, Elizabeth Armstrong, William A. Pigeon, Rebecca McLean, Herbert Alexander Hulén, Anne Wendell H. Hesterly, Henry Hesterly, Arthur Hesterly, Violet K. Hesterly, Steene McLeland, Audie McLeland, Arthur J. McLeland, George W. McLeland, Vernon M. McLeland, Elizabeth Mullen, Drommie Butler, William Douglas, Arthur Phoenix Mearns, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Edgar Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Kate Sweetman, Myron Sweetman, Maudie Sweetman, Lucinda Ammons Stanford, William R. Evans, Catherine Ayers, Alice Ayers, Emma Ayers, Mollie Ayers, Rebecca Ayers, Phillip Akms, Milton Akms, Mabel Akms, John Stanford, Mollie Lynch, Leola Lynch, Jessie Lynch, Alice Lynch, Johnny Lynch, Paul Lynch, George Rogers, Jack Rogers, Germain Rogers, Jessie Cox, Leta Cox, Edna Cox, Bernice Cox, Loretta Cox, George Hardy, Bessie Hardy, Laura Hardy, John H. Benson, Arthur E. Britton, Edna Britton, Robert O. Britton, Celia Britton, Alice S. Sanders, Lottie Sanders, Jennie Sanders, William Sanders, Charles Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Lillian Alma Rogers, Charles Rogers, Philip Rogers, Tom Rogers, Rufus William Rogers, Virginia Rogers, Warren Clifton Britton, Mabel Britton, William Maudie Mudge Britton, William Britton, William K. Benson, Katie Britton, William Britton, O. J. Britton, Monte Britton, Byron Britton, Thora Britton, O. C. Britton, Ossie Britton, Fred Britton, Mabel Britton, Sarah Wilson Day, Victor Day, Bernice Day, L. J. Ivay, Rhoda Ivay, L. J. Ivay, George Ivay, Agnes Clyde Ivay, Charles R. Ivay, Alice Benson, Arthur Benson, Arthur Benson, William Benson, George Lloyd Britton, William Oleson Britton, William Roy Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED

*I. C. Needles.*  
Commissioner in Charge.

M.C.R. 4437.

Muskogee, Indian Territory, December 22, 1902.

Drommie Sweetman,  
Mart, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Acting Chairman.



REFER IN REPLY TO THE FOLLOWING.

MCR-4437

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 19, 1906.

Drommie Sweetman,  
Mart, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates, et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.

## For Identification as a Mississippi Choctaw.

Date - 302

Name *Chromas Sweetman,*

Age 31.

Born

<sup>5</sup>  
32Post office *Wart, Texas,*Father *Benjamin Muelens, d.*Mother *Elizabeth Mullins, l.**Wesleyan method -*  
*Wesleyan**Wesleyan Sweetman & Co.*  
*No claim for Indians*

Name

*Wesleyan Sweetman**Wesleyan**Wesleyan**Wesleyan**Wesleyan**Wesleyan Sweetman*



Department of the Interior  
Commissioner to the Bureau  
of Reclamation  
WASHINGTON, D. C.

4457

U. S. DEPARTMENT OF THE INTERIOR

Brommie Sweetman,  
Fort, Texas.

Octaw MCR 4438

Push Rogers

see MCR 3386

MCR 4438

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskege I.T. January 2, 1902.

4438

In the matter of the application for identification as Mississippi Cheetaws of Puss Rogers for herself and her three minor children Lenae, Julia, and General Rogers.

Applicants represented by attorney B. S. Johnson.

Puss Rogers being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Puss Rogers.  
Q What is your age? A Thirty-five.  
Q What is your post-office address? A Battle, Texas.  
Q How long have you lived there? A Five years.  
Q Where did you live before you lived there? A Robertson County.  
Q How long there? A Three years.  
Q Where were you born? A Tennessee.  
Q What place in Tennessee? A McNary County, right close to the line of Mississippi.  
Q How long did you live there? A In Tennessee?  
Q Yes sir? A About twenty years.  
Q And from there you went to? A Texas.  
Q And lived there ever since? A Yes sir.  
Q What is your father's name? A Anderson Mitchell.  
Q Is he living? A No sir he is dead.  
Q Is your mother living or dead? A She is dead.  
Q What was her name? A Catherine Mitchell.  
Q Through which parent do you claim Cheetaw blood? A Mother.  
Q How much do you claim? A I don't know, I claim just what Drannie Sweetman did.  
Q What relation is she to you? A First cousin.  
Q Well she claims five thirty seconds, do you claim that? A That is right, Yes sir I do.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Beauregard Rogers. B-e-a-u-r-e-g-a-r-d.  
Q Is he living? A Yes sir he was when I left home.  
Q Is he a white man or Indian? A Well he is tolerable fair, white I reckon.  
Q You don't claim him to be Cheetaw? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Three.  
Q What is the name of the oldest? A Lenae, L-o-n-a-e.  
Q How old is Lenae? A Thirteen.  
Q What is the name of the next one? A Julia, J-u-l-i-a Rogers.  
Q How old is she? A She is ten years old.  
Q The next? A General, G-e-n-e-r-a-l.  
Q How old is she? A She is four.  
Q That is all? A Yes sir.  
Q Beauregard Rogers the father of these children? A Yes I reckon.  
Q You know don't you? A Yes sir.  
Q Then you don't reckon? A No sir.

- Q When and where were you married to him? A Tennessee.  
 Q What place? A McNary.  
 Q You remember the date of the marriage? A The 17th of January.  
 Q What year? A 1857.  
 Q Married by a minister and under a license? A Yes sir.  
 Q Was he ever married before he married you? A No sir.  
 Q Were you ever married before? A No sir.  
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children? A No sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10th 1896? A No sir.  
 QX Have you or any of your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
 Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.  
 Q Do you understand that article? A Yes sir.  
 Q You care for a further explanation do you? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September 1830. The object of the treaty was to secure the removal of all the Choctaws who lived in Mississippi and Alabama from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaws would not go to the Choctaw Nation, Indian Territory and in order to protect their interests this article, called article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to reside in the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that alright? A Yes sir.  
 Q Did any of your Choctaw ancestors comply with any of the provisions of this article? A No was I know of.  
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Mullens.  
 Q Who was she? A My mother's sister.  
 Q You don't claim through her, who is your ancestor, my back? A My great grandmother and great grandfather.  
 Q What are their names? A William Gates and Catherine Gates.  
 Q And is William Gates? A He is my great grandfather.

- Q Do you know a person way back there named Charles Gates? A His name was Philip Gates,----No William.
- Q Why don't you say what you want to say, which is it; William or Philip Gates? A It is Philip Gates.
- Q Who was Catherine Gates? A She is my great grandmother.
- Q What relation to Philip? A His wife.
- Q Whose wife? A My grandfather's.
- Q What was his name? A Philip Gates.
- Q Do you know any body named Charles Gates? A No sir I don't remember Charles Gates.
- Q How much Choctaw blood did Philip Gates have? A One-half.
- Q How do you know he had one half? A That is what I have been told.
- Q Who told you? A My mother.
- Q You say Catherine was his wife? A Yes so I have been told.
- Q Were they recognized members of the Choctaw tribe of Indians in Mississippi in 1830 and did they have families there at that time? A I don't know.
- Q Did either of them or any of your Choctaw ancestors ever live in Mississippi or Alabama? A Yes sir.
- Q Can you tell what years? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did Philip Gates or his wife Catherine Gates either of them speak the Choctaw language? A No sir not that I know of.
- Q Did they have Indian names either of them? A No sir not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A No sir not that I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation Mississippi or Alabama to the New Choctaw Nation, Indian Territory between 1833 and 1838 with the other Indians? A No that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830? A No sir not that I know of.
- Q Did they own or claim any land under any other article than article fourteen or under the supplement of that treaty? A No sir not that I know of.
- Q Did they claim any rights or benefits under any treaty made between the United States and the Choctaw tribe of Indians do you know? A No sir I don't know.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required in order to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States. Col. Ward made a list, known as Ward's register which pretends to have the names of these applicants upon it but a great many Indians who made application under article fourteen did not have their names placed upon any list made by him. This caused a good many Indians who held land in Mississippi and Alabama to have both their land and the improvements upon it taken away from them by the government and sold. This caused so many complaints among the Indians that Congress in 1837 appointed a Commission to go to Mississippi and hear claimants under article fourteen of that treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose.



- Q Did any of your Choctaw ancestors to your knowledge go before either the Commission of 1837 or the Commission of 1842 and claim benefits under the fourteenth article of that treaty? A Not that I know of.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him by the government and sold he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No sir not that I know of.  
 Q Can you give me the names of any of your relatives who claim through the same common ancestor that you claim through? A Elizabeth Mullens.  
 Q Elizabeth Mullens is what relation to you? A Aunt and Drommie Sweetman my cousin.  
 Q Any other relatives? A Lucinda Americus Stanford my aunt.  
 Q Do you want to have their testimony considered with yours when yours is taken up by the Commission for consideration? A Yes sir.  
 Q Have you any documentary evidence, any papers that you want to introduce? A Yes sir.

The application of Puss Rogers presented by her, received, filed and marked exhibit "A" and made a part of the record in this case.

The affidavit of Lucinda Americus Stanford presented by this applicant but refused by the Commission for the reason that said affidavit has no direct bearing upon the application of Puss Rogers and for the further reason that Lucinda Americus Stanford is present here before the Commission and can be called personally to give her testimony.

- Q Have you any other evidence or testimony that you would like to present? A No sir.  
 Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, fair complexion, brown eyes and brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 6th day of January 1902

*Clara Mitchell Wood*  
 Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Waskogie, I.T. January 2, 1902.

4437 In the matter of the application for identification as Mississippi Choctaws of Drommie Sweetman et al.

4438 In the matter of the application for identification as Mississippi Choctaws of Fusa Rogers et al.

4439 In the matter of the application for identification as Mississippi Choctaws of Alice H. Sanders et al.

B. S. Johnson attorney appearing for applicants.

Lucinda Americus Stanford called as a witness in behalf of the applicants in the above entitled cases, testifies as follows:

Examination by the Commission

- Q What is your name? A Lucinda Americus Stanford.  
Q What is your age? A Sixty-one.  
Q What is your past office address? A Durant, Indian Territory.  
Q How long have you lived there? A Two months.  
Q Where did you live before you went to Durant? A Hill County, Texas.  
Q Where were you born? A Born in Alabama, in Franklin County.  
Q How long did you live in Alabama? A About thirty five years I reckon.  
Q Have you made application to be identified as a Mississippi Choctaw before the Commission at Atoka? A Yes sir.  
Q In what month was it? A In August.  
Q In 1891? A Yes sir.  
Q Do you know Drommie Sweetman? A Yes sir.  
Q What relation is she to you? A Niece.  
Q Do you know Fusa Rogers? A Yes sir.  
Q What relation is you? A Niece.  
Q You knew Alice H. Sanders? A Yes sir.  
Q What relation to you? A Cousin.  
Q Do you know whether or not they are descendants from a common ancestor or named Charley Gates? A Yes sir.  
Q What relation was Charley Gates to Drommie Sweetman? A He was her mother's great grandfather.  
Q That would make him Drommie Sweetman's great great grandfather? A Yes sir.  
Q How what relation was he to Fusa Rogers? A Same.  
Q Great great grandfather is that right? A Yes sir.  
Q What relation was he to Alice H. Sanders? A Now you will have to count that up;--her father Charles Gates was her father's great great grandfather.  
Q What was that? A Her father's great great grandfather, Charley Gates was her father's great grandfather.  
Q Great or great great grandfather? A Great great grandfather.  
Q How much Choctaw blood did Philip Gates have? A Well you figure it up.  
Q Yes I know but you are testifying Philip Gates had one half you said a little while ago? A That is the way I had it this morning.  
Q Well have you got it now any more? A Yes sir.

- Q Did his wife have any Choctaw blood? A Yes sir.
- Q What was her name? A Catherine.
- Q How much did Catherine have? A She claimed one half.
- Q Just the same as her husband? A Yes sir.
- Q Charles Gates was the great great grandfather of these three applicants was he not; Bessie Sweetman, Puss Rogers and Alice N. Sanders, was he not? A Yes sir now Alice Sanders, her father Charles Gates was her father's great great grandfather.
- Q Can you tell me what relationship Charles Gates and his wife Margaret were to Bessie Sweetman, Puss Rogers and Alice N. Sanders? A I told you Puss Rogers and Bessie Sweetman are nieces of mine.----My sisters children.
- Q What is her name? A Sarah Mitchell. The other lady, her father was a cousin of mine. His mother and my mother were sisters and his sister, now I don't know----was her great grandfather, how great it was, I told you you would have to do that.
- Q You know anything more about it? A No sir.
- Q How much Choctaw blood if you know does Bessie Sweetman claim?
- Q A You will have to count it up, I want it right.
- Q Can you tell how much Choctaw blood Puss Rogers has? A I don't know.
- Q How much Choctaw blood did Alice N. Sanders have? A I don't know that.
- Q Do you know whether Charley Gates lived in Mississippi or Alabama in 1830? A Yes he died there.
- Q Where did he die? A In Franklin County and was buried near Russellville.
- Q Is that in Mississippi or Alabama? A It is in Alabama. Now it used to be in the old Choctaw Nation.
- Q You know what date he died? A No sir I do not.
- Q Do you know whether his wife Margaret died in Mississippi or Alabama? A She died right on the Mississippi-Alabama line and was buried in the old Russellville grave yard, called the Choctaw grave-yard.
- Q Now what was the name of the ancestor through whom these parties claim their right to be identified through? A Philip Gates.
- Q Did he live in Mississippi or Alabama? A Yes he lived and died in the same place where Charles did.
- Q Did he live in Mississippi in 1830? A Yes and a long time before that.
- Q Did he have a family there in 1830? A Yes sir.
- Q How do you know that he had a family there? A I heard my mother say so.
- Q It is a matter of family history? A Yes sir,--I seen the old grave-yard. I seen my grandfather Philip buried there.
- Q Now what was Philip's wife's name? A Catherine.
- Q How much Choctaw blood did she have? A She claimed one-half.
- Q And Philip one-half? A Yes sir.
- Q Now which is the ancestor, a descendant of Philip that these applicants claim through? A Charles Gates.
- Q I mean a son of Philip or daughter of Philip? A Through his daughter.
- Q What was her name? A Sarah Britton.
- Q A daughter of Philip and Catherine Gates is the ancestor of Alice N. Sanders, is that right? A Yes sir.
- Q That was the mother of this applicant? A Yes sir the mother of her father.
- Q Now then who does Puss Rogers claim through; Philip and Catherine? A Yes sir, her mother was Philip Gates' grand daughter.
- Q She is the great grand daughter of Philip Gates then? A Yes sir.

- Q And Dremmie Sweetman is a great grand daughter of Philip and Catherine Gates? A Yes sir.
- Q Now then did Charles Gates or his son Philip Gates or any of their ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go to the United States Indian Agent Coloenl Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there? A I don't know I never heard nothing of that.
- Q Do you know whether any of them claimed any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them claim or own any land under any treaty between the United States and Choctaw tribe of Indians other than the treaty of 1830? A I don't know that either.
- Q Did any of the ancestors of these three applicants receive any scrip from the United States government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which the United States government had taken from them in Mississippi? A I don't remember.
- Q Did any of the ancestors of these three applicants go before the Commission of 1837 or the Commission of 1842 and claim any rights or benefits under article fourteen of the treaty of 1830? A I don't know that they did.
- Q You claim through Charles Gates do you not? A Yes sir.
- Q And you claim how much Choctaw blood; five sixteenths was it not? A Yes that is what you counted it up.
- Q You are a sister of Elizabeth Mullens are you not? A Yes sir.
- Q What relation is Elizabeth Mullens to Dremmie Sweetman? A Dremmie Sweetman's mother.
- Q What relation is Puss Rogers to Elizabeth Mullens? A Niece.
- Q Was Puss Rogers mother a sister of Elizabeth Mullens? A Yes sir.
- Q And what relation is Alice E. Sanders to Elizabeth Mullens? A Cousin.
- Q On which side father or mother? A Mother.
- Q Is there anything more that you want to say now to support the testimony of these applicants? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 7th day of January 1902.

*Charles Mitchell Wood*

Notary Public.



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 4439

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 15, 1902.

Pass Rogers,

Battle, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                    |            |
|------------------------------------|------------|
| William H. Gates,                  | M C R 3386 |
| Sarah (A) Lytal, et al.,           | M C R 3377 |
| Elizabeth J. Maxwell, et al.,      | M C R 3378 |
| Matilda Emily Lytal,               | M C R 3387 |
| Sarah Ann Benson,                  | M C R 3607 |
| Mollie B. Paschal,                 | M C R 3608 |
| Phillip H. Gates,                  | M C R 3441 |
| Mary C. Nabers, et al.,            | M C R 3422 |
| Charles V. Gates, et al.,          | M C R 3423 |
| Thomas L. Gates, et al.,           | M C R 3421 |
| Phillip A. Gates,                  | M C R 3370 |
| John R. Hughes, et al.,            | M C R 3594 |
| William V. Bentley, et al.,        | M C R 3295 |
| John Harvey Bentley,               | M C R 3596 |
| Fred G. Bentley,                   | M C R 3593 |
| Arthur B. Bentley,                 | M C R 3595 |
| Percy (H) Gates,                   | M C R 3690 |
| William McLelland,                 | M C R 3388 |
| Mary C. Pagan, et al.,             | M C R 3389 |
| Sydney E. Armistead, et al.,       | M C R 3409 |
| William A. Pagan,                  | M C R 3391 |
| Rebecca McLain, et al.,            | M C R 3420 |
| Elby Hesterly, et al.,             | M C R 3408 |
| Steele McLelland, et al.,          | M C R 3390 |
| George W. McLelland, et al.,       | M C R 3402 |
| Elizabeth Mullens, et al.,         | M C R 4436 |
| Alice Douglas, et al.,             | M C R 4471 |
| Drommie Sweetman, et al.,          | M C R 4437 |
| Lucinda Americus Stanford, et al., | M C R 3294 |
| Catherine Akins, et al.,           | M C R 3442 |
| Phillip Stanford,                  | M C R 3443 |
| Mattie Lynch, et al.,              | M C R 3609 |

|                                  |            |
|----------------------------------|------------|
| Puss Rogers, et al.,             | M C R 4438 |
| Josie Cox, et al.,               | M C R 5081 |
| Eva Hardy, et al.,               | M C R 5120 |
| John H. Britton,                 | M C R 3605 |
| Arthur E. Britton, et al.,       | M C R 3606 |
| Alice N. Sanders, et al.,        | M C R 4439 |
| Luther Alma Rogers, et al.,      | M C R 1223 |
| William Clifton Britton, et al., | M C R 4331 |
| William G. Britton,              | M C R 3610 |
| William K. Britton, et al.,      | M C R 3616 |
| Sarah Wilson Dye, et al.,        | M C R 3612 |
| Buena Vista Ivey, et al.,        | M C R 3615 |
| Add Benton Britton, et al.,      | M C R 3820 |
| William Robert Britton, et al.,  | M C R 3611 |
| Lula Bell Britton,               | M C R 3613 |
| Arthur Guy Britton,              | M C R 3614 |
| Calvin Luther Britton, et al.,   | M C R 3617 |
| Mary C. Cox, et al.,             | M C R 4287 |
| James A. Cox, et al.,            | M C R 4288 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunie Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Billy O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Verver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Oasie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Linnie Pearl Britton, Lela Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission, that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLeland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED: *I. B. Needles.*  
Commissioner in Charge.

COPY

Muskogee, Indian Territory, December 22, 1902.

James Rogers,

Wattle, Texas.

Dear Madam:

You are hereby notified that on the 15th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

*Wm. H. Dyer*  
Acting Chairman.



*mm*

|                                   |
|-----------------------------------|
| COPIES IN REPLY TO THE FOLLOWING: |
| <b>ECR-4438</b>                   |
|                                   |
|                                   |

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

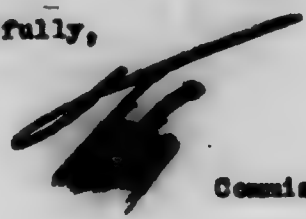
Muskogee, Indian Territory, October 19, 1906.

Puss Rogers,  
Battle, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 23, 1906, by J.O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.



Division

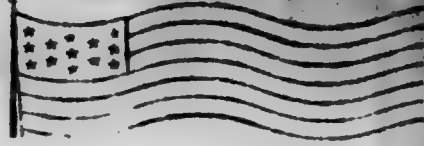
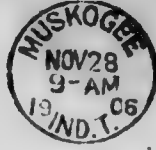
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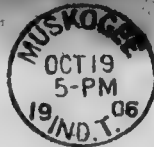
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*[Handwritten signature]*

Commissioner.





UNKNOWN.

Puss Rogers,

~~Battle, Texas.~~

UNCLAIMED

4438

For HUSBAND IS A MARRIAGE CLAIM

Date JAN -2 1902

Name Russ Rogers,

Age 35 Blood  $\frac{5}{32}$

Post Office, Battle, Texas.

Father: Anderson Mitchell, d.

Mother: Catherine " d.

Claims through mother,  
husband.

Beauregard Rogers, L. W.

No claim for husband

Children:

✱ Lonzo Rogers, 13

Julia " 10

Genora " 4

Claims for self &  
children

Stenographer G. Rosenwinkel.

Choctaw MCR 4439

Alice N. Sanders

See MCR 3386

MCR 4439

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4439

In the matter of the application for identification as Mississippi Choctaws of Alice M. Sanders for herself and her seven minor children Lottie, Jennie, Willie, Osie, Lissie, Minnie and Mary Sanders.

Applicants represented by attorney R. S. Johnson.

Alice M. Sanders being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Alice M. Sanders.  
Q What is your age? A Thirty-four.  
Q What is your post office address? A Durant.  
Q Indian Territory? A Yes sir.  
Q How long have you lived there? A I have been there since last Thursday evening.  
Q Where were you born? A In Franklin County, Alabama.  
Q I saw did you live there? A Until I moved here.  
Q You mean the Territory? A Yes sir.  
Q You always lived there until you went to the Territory? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A Philip Britten.  
Q What is your mother's name? A Mary Britten.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A I don't know sir.  
Q My great grandfather Philip Gates was one half.  
Q You claim through Philip Gates? A Yes sir.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.  
Q When and where were your father and mother married? A In Franklin County, Alabama.  
Q You remember what date? A No sir.  
Q You think you can introduce evidence of their marriage if given time? A I don't know sir.

A reasonable time will be allowed this applicant in which to introduce evidence of the marriage between her father and mother.

- Q Are you married? A Yes sir.  
Q What is your husband's name? A Joe Sanders.  
Q Is he living? A Yes sir.  
Q Where was he? A Yes sir.  
Q You claim any claim for him? A No sir.  
Q Have you any children under twenty-one years of age and unmarried? A The eldest one is Lottie.  
Q How many have you? A Seven.  
Q What is the name of the eldest? A Lottie Sanders.  
Q Birth date? A Yes sir.  
Q What is the date?  
Q Yes sir.

- Q How old is she? A Thirteen.  
 Q The next, A Willie.  
 Q Boy? A Yes sir.  
 Q How old is Willie? A Eleventh.  
 Q Next? A One, O-s-i-s.  
 Q Girl? A No sir he is a boy.  
 Q How old? A Nine years old.  
 Q Next? A Lizzie.  
 Q How old is Lizzie? A Seven.  
 Q Next? A Minnie.  
 Q How old is Minnie? A Four years old.  
 Q Next? A Mary.  
 Q How old is Mary? A Two years old.  
 Q That is all is it? A Yes sir.  
 Q Is Joe Sanders the father of these children? A Yes sir.  
 Q Are they living with you at your home? A Yes sir.  
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir not that I know of.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and your children? A Yes sir.  
 Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
 Q Did you ever make application either for yourself or your children previous to this time for enrollment as Choctaw Indians to any authority whatever? A No sir.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation, by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
 Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of these children under article fourteen of the treaty of 1830? A Yes sir.  
 Q You understand article fourteen of that treaty? A No sir.  
 Q Do you know what a treaty is? A No sir.  
 Q A treaty is a compact in writing made between two or more Nations instead of between individuals? A Yes sir.

Such a treaty was made between the Choctaw Indians in eighteen hundred and thirty at a place called Dancing Rabbit Creek in Mississippi and the United States government. The object of the treaty was to secure the removal of all the Choctaw Indians who lived in the old Choctaw Nation, in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those who remained after the treaty of 1830 was signed and ratified article fourteen was put into the treaty. Article fourteen of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said



lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q you understand that do you? A Yes sir.  
 Q You claim under it? A Under the fourteenth.  
 Q Yes? A No sir I claim under it all.  
 Q The fourteenth and all of it? A Yes sir.  
 Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My great grand father Philip Gates.  
 Q What was his wife's name? A Catherine Hampton.  
 Q Philip Gates had how much Choctaw blood? A One-half.  
 Q His wife had how much? A I think she had one half.  
 Q Did they have an ancestor named Charles Gates? A Yes sir.  
 Q Was he the father of Philip Gates? A Yes sir I think so.  
 Q Did his father Charley Gates or did Philip Gates the son of Charley Gates or Catherine the wife of Philip live in Mississippi in 1830? A I can't remember.  
 Q Did any of them live in Alabama in 1830? A Yes sir.  
 Q Did they have a family of children in Alabama in 1830? A I can't tell you.  
 Q Did any of your Choctaw ancestors own any land or improvements upon land in Mississippi in 1830? A I don't know sir.  
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir not that I know of.  
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian territory with the other Indian between 1833 and 1838? A I don't remember.  
 Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830? A No sir not that I know of.  
 Q Did any of them own any land or claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I can't tell you.  
 Q Do you know whether they claimed any rights under any treaty between the United States and the Choctaw Indians? A I can't tell you.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified in order to take advantage of article fourteen of that treaty were required to go to the United States Indian agent within six months from the ratification of the treaty and to tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this who failed to have their names placed on Ward's list, known as Ward's register. This neglect of the Indian Agent's to make a proper record of all applicants under article fourteen caused a good many Indians who had land in Mississippi upon which they had improvements to lose both the land and the improvements for both were taken from them by the government and sold. This caused a great many complaints among the Choctaw Indians so that in 1837 by act approved March 3rd of that year a commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.



- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A Yes sir not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip or certificates which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to replace land taken from them by the government and sold? A No sir not that I know of.
- Q Have you any documentary evidence that you want to introduce? A Yes sir.

The application of Alice H. Sanders this applicant presented by her, received, filed, marked exhibit "A" and made a part of the record in this case.

The sworn statement of Sarah A. Benson presented by this applicant to be filed as a part of the record in this case, said affidavit of Sarah A. Benson is refused by the Commission for the reason that it is an application made by her asking that she be enrolled together with her children as Mississippi Choctaw, entitled to all rights and privileges of members of said tribe and that said affidavit or statement made by her is not in proper form to be filed as a part of the record in this case; and further because said affidavit sworn and subscribed before B.S. Johnson, Notary Public, is without date.

Also, the sworn statement of Lucinda Americus Stanford presented by this applicant to be made a part of the record in this case, said sworn statement of Lucinda Americus Stanford is refused by the Commission for the reason that it is not in proper form to be filed and made a part of the record in this case and does not properly connect Lucinda Americus Stanford with this applicant and for the further reason, affiant, Lucinda Americus Stanford is present at this time so that her sworn statement before the Commission may be had.

- Q Will you give me the names of some of your relatives who have appeared before the Commission for identification as Mississippi Choctaw? A Elizabeth Mullen my second cousin, and Drommie Sweetman my cousin, and Foss Rogers my cousin.
- Q Is Lucinda Americus Stanford a relative of yours? A Yes sir.
- Q What relation to you? A Her father and my father were first cousins.
- Q There are others whose names you do not now recall who claim through Charley Gates? A Why Alma Rogers I think has been here.
- Q You want to have the testimony of these relatives of yours considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has blue eyes, fair complexion, brown hair. Has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. B. Brown being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 2, 1902 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 9th day of January 1902.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4437 In the matter of the application for identification as Mississippi Choctaws of Dremmie Sweetman et al.

4438 In the matter of the application for identification as Mississippi Choctaws of Puss Rogers et al.

4439 In the matter of the application for identification as Mississippi Choctaws of Alice M. Sanders et al.

B. B. Johnson attorney appearing for applicants.

Lucinda Amerious Stanford called as a witness in behalf of the applicants in the above entitled cases, testifies as follows:

Examination by the Commission

- Q What is your name? A Lucinda Amerious Stanford.  
Q What is your age? A Sixty-one.  
Q What is your post office address? A Durant, Indian Territory.  
Q How long have you lived there? A Two months.  
Q Where did you live before you went to Durant? A Hill County, Texas.  
Q Where were you born? A Born in Alabama, in Franklin County.  
Q How long did you live in Alabama? A About thirty five years I reckon.  
Q Have you made application to be identified as a Mississippi Choctaw before the Commission at Atoka? A Yes sir.  
Q In what month was it? A In August.  
Q In 1901? A Yes sir.  
Q Do you know Dremmie Sweetman? A Yes sir.  
Q What relation is she to you? A Niece.  
Q Do you know Puss Rogers? A Yes sir.  
Q What relation to you? A Niece.  
Q You know Alice M. Sanders? A Yes sir.  
Q What relation to you? A Cousin.  
Q Do you know whether or not they are descendants from a common ancestor or named Charley Gates? A Yes sir.  
Q What relation was Charley Gates to Dremmie Sweetman? A He was her mother's great grandfather.  
Q That would make him Dremmie Sweetman's great great grandfather? A Yes sir.  
Q Now what relation was he to Puss Rogers? A Same.  
Q Great great grandfather is that right? A Yes sir.  
Q What relation was he to Alice M. Sanders? A Now you will have to count that up;--her father Charles Gates was her father's great great grandfather.  
Q What was that? A Her father's great great grandfather, Charley Gates was her father's great grandfather.  
Q Great or great great grandfather? A Great great grandfather.  
Q How much Choctaw blood did Philip Gates have? A Well you figure it up.  
Q Yes I know but you are testifying; Philip Gates had one half you said a little while ago? A That is the way I had it this morning.  
Q Well have you got it that way now? A Yes sir.

- Q Did his wife have any Cheetaw blood? A Yes sir.
- Q What was her name? A Catherine.
- Q How much did Catherine have? A She claimed one half.
- Q Just the same, is her husband? A Yes sir.
- Q Charles Gates was the great great grandfather of these three applicants was he not? Dromie Sweetman, Puss Rogers and Alice H. Sanders, was he not? A Yes sir now Alice Sanders, her father Charles Gates was her father's great great grandfather.
- Q Can you tell us what relationship Charles Gates and his wife Margaret were to Dromie Sweetman, Puss Rogers and Alice H. Sanders? A I told you Puss Rogers and Dromie Sweetman are nieces of mine,---My sisters children.
- Q What is her name? A Sarah Mitchell. The other lady, her father was a cousin of mine. His mother and my mother were sisters and his sister, now I don't know---was her great grandfather, how great it was, I told you you would have to do that.
- Q You know anything more about it? A No sir.
- Q How much Cheetaw blood if you know does Dromie Sweetman claim? A You will have to count it up, I want it right.
- Q Can you tell how much Cheetaw blood Puss Rogers has? A I don't know.
- Q How much Cheetaw blood did Alice H. Sanders have? A I don't know that.
- Q Do you know whether Charley Gates lived in Mississippi or Alabama in 1830? A Yes he died there.
- Q Where did he die? A In Franklin County and was buried near Russellville.
- Q Is that in Mississippi or Alabama? A It is in Alabama. Now it used to be in the old Cheetaw Nation.
- Q You know what date he died? A No sir I do not.
- Q Do you know whether his wife Margaret died in Mississippi or Alabama? A She died right on the Mississippi-Alabama line and was buried in the old Russellville grave yard, called the Cheetaw grave-yard.
- Q Now what was the name of the ancestor through whom these parties claim their right to be identified through? A Philip Gates.
- Q Did he live in Mississippi or Alabama? A Yes he lived and died in the same place where Charles did.
- Q Did he live in Mississippi in 1830? A Yes and a long time before that.
- Q Did he have a family there in 1830? A Yes sir.
- Q How do you know that he had a family there? A I heard my mother say so.
- Q It is a matter of family history? A Yes sir,---I seen the old grave-yard. I seen my grandfather Philip buried there.
- Q Now what was Philip's wife's name? A Catherine.
- Q How much Cheetaw blood did she have? A She claimed one-half.
- Q And Philip one-half? A Yes sir.
- Q Now which is the ancestor, a descendant of Philip that these applicants claim through? A Charles Gates.
- Q I mean a son of Philip or daughter of Philip? A Through his daughter.
- Q What was her name? A Sarah Britton.
- Q A daughter of Philip and Catherine Gates is the ancestor of Alice H. Sanders, is that right? A Yes sir.
- Q That was the mother of this applicant? A Yes sir the mother of her father.
- Q Now then who does Puss Rogers claim through, Philip and Catherine? A Yes sir, her mother was Philip Gates' grand daughter.
- Q She is the great grand daughter of Philip Gates then? A Yes sir.

- Q And Drommie Sweetman is a great grand daughter of Philip and Catherine Gates? A Yes sir.
- Q Now then did Charles Gates or his son Philip Gates or any of their ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there? A I don't know I never heard nothing of that.
- Q Do you know whether any of them claimed any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them claim or own any land under any treaty between the United States and Choctaw tribe of Indians other than the treaty of 1830? A I don't know that either.
- Q Did any of the ancestors of these three applicants receive any scrip from the United States government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which the United States government had taken from them in Mississippi? A I don't remember.
- Q Did any of the ancestors of these three applicants go before the Commission of 1837 or the Commission of 1842 and claim any rights or benefits under article fourteen of the treaty of 1830? A I don't know that they did.
- Q You claim through Charles Gates do you not? A Yes sir.
- Q And you claim how much Choctaw blood; five sixteenths was it not? A Yes that is what you counted it up.
- Q You are a sister of Elizabeth Mullens are you not? A Yes sir.
- Q What relation is Elizabeth Mullens to Drommie Sweetman? A Drommie Sweetman's mother.
- Q What relation is Puss Rogers to Elizabeth Mullens? A Niece.
- Q Was Puss Rogers mother a sister of Elizabeth Mullens? A Yes sir.
- Q And what relation is Alice N. Sanders to Elizabeth Mullens? A Cousin.
- Q On which side father or mother? A Mother.
- Q Is there anything more that you want to say now to support the testimony of these applicants? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled causes on January 2, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 7th day of January 1902.

*Charles Mitchell Wood*

Notary Public.



## COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS H. NEEDLES,  
C. E. WRIGHTBRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4439

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

Alice N. Sanders,

*Remained 1/21/03  
Rosen & Tex Co*  
Durant, Indian Territory

Dear Madam:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                    |            |
|------------------------------------|------------|
| William H. Gates,                  | M C R 3386 |
| Sarah (A) Lytal, et al.,           | M C R 3377 |
| Elisabeth J. Maxwell, et al.,      | M C R 3378 |
| Matilda Emly Lytal,                | M C R 3387 |
| Sarah Ann Benson,                  | M C R 3607 |
| Mollie B. Paschal,                 | M C R 3608 |
| Phillip H. Gates,                  | M C R 3441 |
| Mary C. Nabers, et al.,            | M C R 3422 |
| Charles V. Gates, et al.,          | M C R 3423 |
| Thomas L. Gates, et al.,           | M C R 3421 |
| Phillip A. Gates,                  | M C R 3370 |
| John E. Hughes, et al.,            | M C R 3594 |
| William V. Bentley, et al.,        | M C R 3295 |
| John Harvey Bentley,               | M C R 3596 |
| Fred G. Bentley,                   | M C R 3593 |
| Arthur B. Bentley,                 | M C R 3595 |
| Percy (H) Gates,                   | M C R 3690 |
| William McLelland,                 | M C R 3388 |
| Mary C. Pagan, et al.,             | M C R 3389 |
| Sydney E. Armistead, et al.,       | M C R 3409 |
| William A. Pagan,                  | M C R 3391 |
| Rebecca McLain, et al.,            | M C R 3420 |
| Elby Hesterly, et al.,             | M C R 3408 |
| Steele McLelland, et al.,          | M C R 3390 |
| George W. McLelland, et al.,       | M C R 3402 |
| Elisabeth Mullens, et al.,         | M C R 4436 |
| Alice Douglas, et al.,             | M C R 4471 |
| Drommie Sweetman, et al.,          | M C R 4437 |
| Lucinda Americus Stanford, et al., | M C R 3294 |
| Catherine Akins, et al.,           | M C R 3443 |
| Phillip Stanford,                  | M C R 3443 |
| Mattie Lynch, et al.,              | M C R 3609 |

|                                  |            |
|----------------------------------|------------|
| Puss Rogers, et al.,             | M C R 4438 |
| Josie Cox, et al.,               | M C R 5081 |
| Eva Hardy, et al.,               | M C R 5120 |
| John H. Britton,                 | M C R 3605 |
| Arthur E. Britton, et al.,       | M C R 3606 |
| Alice N. Sanders, et al.,        | M C R 4439 |
| Luther Alma Rogers, et al.,      | M C R 1223 |
| William Clifton Britton, et al., | M C R 4331 |
| William G. Britton,              | M C R 3610 |
| William K. Britton, et al.,      | M C R 3616 |
| Sarah Wilson Dye, et al.,        | M C R 3612 |
| Buena Vista Ivey, et al.,        | M C R 3615 |
| Add Benton Britton, et al.,      | M C R 3820 |
| William Robert Britton, et al.,  | M C R 3611 |
| Lula Bell Britton,               | M C R 3613 |
| Arthur Guy Britton,              | M C R 3614 |
| Calvin Luther Britton, et al.,   | M C R 3617 |
| Mary C. Cox, et al.,             | M C R 4287 |
| James A. Cox, et al.,            | M C R 4288 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunice Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Audu McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnuy Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rilly O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Viatar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are farther advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED: *I. B. Needles.*  
Commissioner in Charge.

COPY

Mustagee, Indian Territory, December 22, 1902.

Alice H. Sanders,

Mustagee, Indian Territory.

*Remailed. Reached Texas Jan 27*

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

*James Bixby*

Acting Chairman.



Muskogee, Indian Territory, January 22, 1903.

A. E. Sanders,  
 Rosebud, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th inst., in which you state that you have been informed that the application made by you for the identification of yourself and family as Mississippi Choctaw has been refused; that you have received no notice from the Commission to this effect, and ask to be advised

In reply to your letter, you are informed that your case was made a part of the consolidated Mississippi Choctaw case of William H. Gates and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Margaret Throll or Tholl. The Commission on October 31, 1902, rendered its decision refusing the several applications included in this consolidated case and on the same date the several applicants were notified of the action of the Commission and that they were granted fifteen days from the date of said decision within which to submit arguments in support of their claim to be forwarded to the Secretary of the Interior. The fifteen days, heretofore granted, expired on October 15, 1902, and on that date the record in the case together with

A.W. Sanders--2

The decision of the Commission was forwarded to the Secretary of the Interior.

On December 12, 1902, the Secretary of the Interior approved the decision of the Commission, and, on December 22, 1902, the applicants were duly notified of such Departmental action.

The letters notifying you of the action of the Commission were addressed you at Durant, Indian Territory, the post-office address given by you at the time you made application, and were returned to the Commission by the post master as unclaimed and have this day been re-mailed to you at your present post-office address.

Respectfully,

Commissioner in Charge.

M C R 4439

Muskogee, Indian Territory, March 10, 1903.

Mrs. A. H. Sanders,  
Rosebud, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 3rd asking relative to your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on October 15, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and you were allowed fifteen days from that date within which to submit arguments to be forwarded to the Secretary of the Interior.

On October 31, 1902, the record in your case was forwarded to the Secretary of the Interior, and on December 12, 1902, the Secretary of the Interior affirmed the decision refusing your application, of which departmental action you were duly notified on December 22, 1902. The Commission therefore considers this case closed.

Respectfully,

Chairman.

NOV 1940

Washington, D.C., November 12, 1940

Mr. A. J. Bailey,

London, England

I have been advised of your letter of the 11th instant, regarding the application for a passport for your daughter.

I am sorry to hear that the Secretary of the I.C. Office, on November 11, 1940, advised the British Consulate in London that your daughter's application for a passport had been refused on November 11, 1940. The Consulate in London has been advised that your daughter's application has been refused.

Sincerely,

W. J. Bailey

MAILED IN REPLY TO THE FOLLOWING:

MCB-4439

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 19, 1906.

Alice N. Sanders,  
Rosebud, Texas.

Dear Madam:

You are hereby notified that on September 28, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.



REFER IN REPLY TO THE FOLLOWING:

M. C. R. 4439

3124-1908

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, January 30, 1908.

Mrs. A. W. Sanders,  
Inka, Mississippi.

Madam:

Replying to your letter of January 28th you are advised that the Mississippi Choctaw application of Alice W. Sanders, et al. was refused by the Commission to the Five Civilized Tribes in a decision rendered October 15, 1902, and this action was affirmed by the Secretary of the Interior December 12, 1902.

The rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and this office now has no authority to give any further consideration to your claim.

Respectfully,

*J. E. Wright*  
Commissioner.

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Commissioner to the Five Civilized Tribes

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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Miss. Choctaw Div.

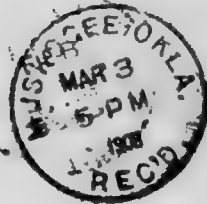
4439

Alice H. S. G. Rb,

Rosebud, Texas.



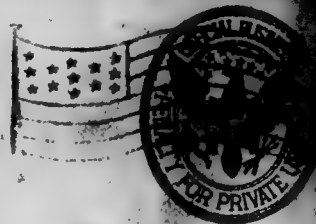




Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



4439

Mrs. A. N. Sanders,

~~Ind., Muskogee, Okla.~~

Date JAN -2 1902

Name Alice N. Sanders,

Age 34 — Blood Dont know.

Post Office, Vvranx, I. T.

Father; Philip Britton, l

Mother; Mary " l

Claims through father  
husband.

Joe Sanders, l. w.

No claim for husband

Children: Lottie Sanders. — 15  
Jennie " (M) 13  
Willie " (M) 11  
Ozie " (M) 9  
Lizzie " 7  
Minnie " 4  
Mary " 2

Claims for self &  
children

Stenographer G. Rosmond

Choctaw MCR 4440

Newton Allen

MCR 4440

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---oOo---

In the matter of the application of Newton Allen, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4440.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Newton Allen, et al.,  
for identification as Mississippi Choctaws, M.C.R.4440.

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|   | Page |
|---|------|
| Original application of Newton Allen, et al.,<br>for identification as Mississippi Choctaws,----- | 1    |
| Decision of the Commission identifying the<br>above applicants,-----                              | 7    |

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44460  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Three miles South of Saint Anna, Miss., December 27, 1901.

In the matter of the application of Newton Allen, for the identification of himself, his wife, Rosie, and minor child, Martha, as Mississippi Choctaws.

Newton Allen, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Newton Allen.  
Q How old are you? A Twenty six.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Saint Anna, Mississippi.  
Q How long have you lived in Leake County? A Born and raised here.  
Q Lived here all your life have you? A Yes.  
Q Is your father living? A No.  
Q What was his name? A Kit Allen.  
Q How long has he been dead? A About four years.  
Q About how old a man was he when he died? A I reckon about seventy years old.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live here in Leake County? A Yes.  
Q Did he have a Choctaw name? A No.  
Q Is your father's father, or his mother, living? A Both dead.  
Q Well, do you know the name of either one of his parents? A No.  
Q Is your mother living? A Yes.  
Q What's her name? A Missouri.  
Q Has she married since your father died? A Yes, married Solomon Stoliby.  
Q About how old is your mother? A About fifty years old.  
Q Has she a Choctaw name? A No.  
Q Has she always lived here in the State of Mississippi? A Yes.  
Q Is her father living? A No.  
Q Is her mother living? A No.  
Q Do you know the name of either one of them? A No.  
Q So far as you know, have all of your ancestors been full blood Choctaws? A Yes.  
Q And have they all lived here in Mississippi? A Yes.  
Q Are you married? A Yes.  
Q Your wife living? A Yes.  
Q What's her name? A Rosie.  
Q You living with her at this time? A Yes.  
Q You married to her under a license or according to the Choctaw custom? A Choctaw custom.  
Q Do you want to make application for your wife too? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived here in Mississippi? A Yes.  
Q How old is she? A Nineteen years old.  
Q Is her father living? A Yes.  
Q What's his name? A Simon Joshua.  
Q Is he a full blood Choctaw? A Yes.

Newton Allen, et al., 2.

Q Where does he live? A Here in Leake County, near me.  
Q Has he always lived here in Mississippi? A Yes.  
Q Has he a Choctaw name? A No.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Is your wife's mother living? A Yes.  
Q What's her name? A Lucy.  
Q She living with Simon? A Yes.  
Q Is Lucy a full blood Choctaw? A Yes.  
Q Has she always lived here in Mississippi? A Yes, sir.  
Q Has she a Choctaw name? A No.  
Q Do you know the name of her father? A No.  
Q Or her mother? A No.  
Q Then, you don't know the name of any one of your ancestors, except your father and your mother, or your wife's ancestors, except her father and her mother, is that correct? A Yes.  
Q So far as you know, have all of your wife's ancestors always lived in Mississippi? A Yes.  
Q And have all been full blood Choctaws? A Yes.  
Q Have you any children living? A Yes.  
Q How many? A One.  
Q What's that child's name? A Martha.  
Q Where does she live? A With me.  
Q How old is she? A Born the 8th of this December.  
Q Is she the daughter of yourself and Rosie? A Yes.  
Q This application, then, is for yourself, your wife, and one minor child; is that correct? A Yes.  
Q Is your name, or your wife's name, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe - or did any one else ever make such an application for you, or your wife? A No.  
Q Did you, or any one for you, or your wife, or any one for her, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No, but did three years ago at Carthage.

The records of the Commission show that on the 25th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, and his wife, Rosie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 92; also, upon page 46 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the Treaty of Dancing Rabbit Creek, being Numbers 332 and 333 thereon.

Q This application made by you three years ago the only application of any kind you ever made for yourself or wife? A Yes.  
Q Any one else ever make any other application for either of you?  
A No.



Newton Allen, et al., 3.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A, Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with any of its provisions? A If they did, I don't know it.

Q Did any of them own an improvement here in Mississippi and Alabama, in the year 1830, when this treaty was made? A If they did, I don't know it.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1835 and 1838?

A I don't know.

Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Choctaws here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government? A Never heard.

Q So far as you know, were any of them ever recognized members of the Choctaw tribe of Indians, or did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A If they did, I don't know it.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent faithfully registered and reported to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and take land and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an Act which

Newton Allen, et al., 4.

was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaw who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know; never saw such a paper.

Q Do you know any old folks living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, I don't know of any.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of your wife's ancestors, covering land here in Mississippi received under article 14 of the treaty of Dancing Rabbit Creek? A No.

Q Have you any witnesses whose testimony you desire to introduce at this time in support of your application? A No.

Newton Allen, et al., 8.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission at any one of its appointments here in Mississippi this winter, or at Meridian, Mississippi between January 15th and February 15th next, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A Yes, some little children.  
Q What are their names? A Bob.  
Q Bob what? A Allen.  
Q Full brother of yours? A Yes.  
Q How old is he? A About 19 years old.  
Q Where does he live? A He lives down here.  
Q In Leake County? A Yes.  
Q With his mother? A Yes.  
Q Any other brothers? A About five.  
Q What are their names? A Allen.  
Q Give me the other names? A Joe.  
Q The next one? A Lacy.  
Q The next one? A Willie.  
Q The next one? A That's all.  
Q That's only three? A Four.  
Q That's all of them, is it? A Yes.  
Q Do they all live with their mother? A Yes.  
Q Have you any sisters living? A One.  
Q Is she married? A Yes.  
Q What's her husband's name? A Julius.  
Q Julius what? A Joshua.  
Q Have you any brothers or sisters dead? A Two sisters dead.  
Q Did they die in infancy? A Yes.  
Q Are any of your father's brothers or sisters, or any of their children living? A One brother living.  
Q What's his name? A Sweeney Bailey.  
Q He has no other brothers or sisters living? A That's all living.  
Q Did any of these who are now dead leave children? A I don't know no other children except Sweeney's.  
Q Are any of your mother's brothers or sisters, or any of their children living? A No.  
Q Has your wife any brothers living? A No.  
Q Any sisters living? A One sister living.  
Q What's her name? A Jennie.  
Q Is she married? A Yes.  
Q What's her husband's name? A Stephen.  
Q Stephen what? A Gibson.  
Q Are any of your wife's father's brothers or sisters, or any of their children living? A One brother living.  
Q What's his name? A Sam Joshua.  
Q Where does he live? A Right over here, close by, in Leake County.  
Q Do you know of any of his brothers or sisters who are now dead?  
A No.  
Q Has your wife's mother any brothers or sisters living? A No.  
Q Has she any brothers or sisters dead who left children? A No.

Newton Allen, et al., v.

(This testimony is taken at the home of the applicant about three miles south of Saint Ann's, Leake County, Mississippi. Both he and his wife, who are present, have the appearance of being full blood Choctaw Indians; they speak and understand the Choctaw language, and very little English, this examination having been conducted partially through a sworn Choctaw interpreter, and partially in English.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Canthage, Mississippi, this 1st day of January, 1902.

*L. B. Mosley*

Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By, *[Signature]*

Deputy.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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*Cover*

In the matter of the application of Newton Allen, et al.,  
for identification as Mississippi Choctaws, M.C.R.4440.

-----D E C I S I O N-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 27, 1901, by Newton Allen for himself, his wife, Rosie  
Allen, and his minor child, Martha Allen, under the following pro-  
vision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may admin-  
ister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

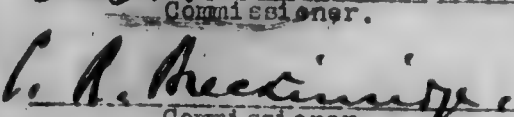
"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of  
any Mississippi Choctaw Indians whether of full or mixed blood

who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Newton Allen, Rosie Allen and Martha Allen should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

M C R 4440

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Newton Allen, his wife Essie Allen and minor child Martha Allen as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Newton Allen, his wife, and minor child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tama Bixby.*

Register.  
GR-encl-4440.

Acting Chairman.

COPY.

M.C.R. 4440

Langston, Indian Territory, March 11, 1903.

Newton Allen,

Saint Ann, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Rosie Allen, and your minor child, Martha Allen, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and residence at the office of the Commission at Atoka, Choctaw Nation, or Muskogee, Chickasaw Nation.

Respectfully,

*Tamm Bixby.*

(SIGNED)

Chairman.

Registered.

No. 4440.



*Newton Allen*

IDENTIFIED

*R 4440*

RENDERED

FEB 11 1903

FORWARDED

POSTWARD

FEB 21 1903

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

1536

No. 4440

For Identification as a Mississippi Choctaw.

Saint Anns, Miss.

Date Dec. 27, 1901.

Name Newton Allen

Age 26

Blood full

Post Office, Saint Anns, Miss.

Father: Kit Allen

d

Mother: Missouri Stoliby

L.

Claims through both parents.

Wife: Rozie Allen

(full)

19

Father: Simpson Joshua

L.

Mother: Lucy

"

(Claims for self, wife and one child.)

Children:

Martha Allen

2 wks

(See Miss Cho. card filed No. 92.)

(Applicant doesn't know

names of any of his or

his wife's ancestors except parents.)

Stenographer

R. S. Street.

Choctaw MCR 4441

Lucy Joshua

MCR 4441

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lucy Joshua, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4441.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lucy Joshua, et al.,  
for identification as Mississippi Choctaws, M.C.R.4441.

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--- I N D E X ---

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| Original application of Lucy Joshua, et al.,<br>for identification as Mississippi Choctaws,----- | 1 |
| Decision of the Commission identifying the<br>above applicants,-----                             | 7 |

--o--

4441

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Three miles south of Saint Anna, Mississippi, December 27, 1901.

In the matter of the application of Lucy Joshua for the identification of herself, her minor child, Belle, and her minor grand child, John Stelby, as Mississippi Choctaws.

Lucy Joshua, having been first duly sworn, upon her oath, testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Lucy Joshua.  
Q How old are you? A About fifty.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Saint Anna, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q Is your father living? A No, dead ever since I was little child; I don't know my father's name.  
Q Have you a Choctaw name? A No.  
Q Didn't you ever hear what your father's name was? A Never heard.  
Q Do you know the name of your father's father, or his mother? A Just heard them call him Shoat; I don't know whether that's the right name, or not.  
Q Did you ever see him? A Yes; I was mighty near grewed up when he died.  
Q Did he always live here in Mississippi? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q Is your mother living? A Been dead long time.  
Q What was her name? A Betsy.  
Q Did she have any other name? A No other name.  
Q Was she a full blood Choctaw? A Yes.  
Q So far as you know, have all of your ancestors been full blood Choctaws? A Yes.  
Q Do you know the name of Betsy's father or her mother? A No, I don't know.  
Q Have you any children living? A Yes, got some children of age, and one child under age.  
Q What's the name of the one under age? A Belle.  
Q How old is Belle? A About fifteen.  
Q Is she living with you at this time? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Is her father living? A No.  
Q What was his name? A Joshua.  
Q Any other name? A Mullen Joshua.  
Q Was he a full blood Choctaw? A Yes.  
Q How long has he been dead? A About four years.  
Q Did Mullen always live in Mississippi? A Yes.  
Q Was he older or younger than you? A About same age.  
Q Do you know the name of his father or his mother? A No.  
Q So far as you know, were all of the ancestors of Mullen Joshua full blood Indians, and did they always live here in Mississippi? A Yes.  
Q Have you any other children living with you? A Yes.  
Q How many? A One.
- 1

Lucy Joshua, et al., 2.

- Q What is it's name? A John Steliby.  
Q How old is John? A Four.  
Q What relation is he to you? A Grand child.  
Q Is his father living? A Yes.  
Q What's his name? A Solomon Stoliby.  
Q Is his mother living - John Steliby? A No.  
Q What was her name? A Callie.  
Q Was she a full blood Choctaw? A Yes.  
Q Is Solomon a full blood Choctaw? A Yes.  
Q Solomon your son? A Yes.  
Q How long has this child, John, lived with you? A Ever since he was a little big boy.  
Q Where does your son live at this time? A Here in Leake County.  
Q Is he married again? A Yes.  
Q You take care of this child and support it the same as if it were your own, do you? A Yes.  
Q What was the name of Solomon's father? A I don't know; his name was Steliby.  
Q Was he a full blood Choctaw? A Yes.  
Q Is Callie's father living? A Dead.  
Q Was he a full blood Choctaw? A Yes.  
Q What was his name? A Moses.  
Q Any other name? A That's all I have heard.  
Q What was Callie's mother's name? A Sallie Campbell.; she is living.  
Q Where does she live? A Across the Creek. Close to Thomastown.  
Q Have all of Callie's ancestors been full blood Choctaws, so far as you know? A Yes.  
Q Has Sallie a Choctaw name? A Summie.  
Q Did Callie's father have a Choctaw name? A No, that's all the name I ever heard, Moses.  
Q Do you know the name of any of Callie's ancestors, except her parents? A No.  
Q This application is for yourself, one minor child, and one minor grand child, is that correct? A Yes.  
Q Is your name, or the name of your daughter, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, or this minor child to be admitted or enrolled as members of that tribe, or did any one else ever make such an application for you? A No.  
Q Have you ever made any application of any kind before to-day for yourself, or either of these children? A Yes, at Carthage, Mississippi.

The records of the Commission show that on the 27th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of herself, her minor daughter Belle, and minor grand child, John Stoliby, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 117, also, upon page 50 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw



Lucy Joshua, et al., 3.

lands in Indian Territory, under the provisions of article 14 of the Treaty of Dancing Rabbit Creek, being Numbers 410, 411 and 412, respectively, thereon.

Q Is this application made by you three years ago, the only application of any kind that has ever been made for yourself, or either of these children? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

That treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time that treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws didn't want to move out to the new country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that if a Choctaw wanted to stay here, he might receive land here from the Government upon certain conditions. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain ~~settled~~ here and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors, or any of the ancestors of Joshua, or Steliby or of Callie, the mother of John Steliby, ever comply or attempt to comply with the provisions of article 14 of this treaty, or ever receive any benefits thereunder? A I don't know.



Lucy Joshua, et al.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama at the time this treaty was made? A If they did, I don't know it.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A If they were I don't know it.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government, or any money from the Government? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, covering land here in Mississippi received from the Government? A Never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of the Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of

Lucy Joshua, et al., 5.

February 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of the ancestors of Joshua, or of Solomon, or of Callie, the mother of John Steliby, appear before either of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of the ancestors of Joshua, or Solomon, or of Callie, the mother of John Steliby, ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of the ancestors of Joshua, or Solomon, or Callie, the mother of John Steliby, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know of any one.

Q Have you any witnesses who testimony you desire to offer in support of your application at this time? A No.

If you should find any witnesses who so testimony you desire to have taken in support of your application, they may appear before the Commission at any one of its appointments here in Mississippi this winter, or at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q What are the names of your children over twenty one years of age, who are married? A Joe, Joshua, and Solomon Stoliby.

Q They both live in Leake County here? A Yes.

Lucy Joshua, et al., &c.

- Q Have you any children dead who left children? A No.  
Q Have you any brothers or sisters living? A No.  
Q Did you ever have any brother's or sisters? A No.  
Q Are any of your father's brothers or sisters, or any of their children living? A No.  
Q Any of your mother's brothers or sisters, or any of their children or grand children living? A No.  
Q Are any of the brothers or sisters of either of your husbands, or any of their children living? A Yes, Simon Joshua, the brother of one of my husbands is living here in Leake County now.  
Q Is that all? A Yes.  
Q Are any of them dead? A One dead.  
Q Did he leave children? A Yes, one.  
Q Is that child living now? A Yes, here in Leake County.  
Q What is it's name? A Emily.  
Q Is she married? A No.  
Q With whom does she live? A Eliza Tom.  
Q What was the name of Emily's father? A Houston Joshua.  
Q What was her mother's name? A O-yah.  
Q Are any of Callie's brothers or sisters living? A One brother living named Isaac Moses.  
Q Has she any brothers or sisters dead? A Yes, one sister dead.  
Q What was her name? A Sophia.  
Q Did she leave any children? A Yes, she had several children.  
Q Are they living now? A Yes.  
Q With whom do they live? A I don't know.  
Q What is the name of the father of these children? A I don't know.  
Q Do you know the names of the children? A I don't know; that's what I heard; never did see children.

(This testimony is taken at the home of the applicant about three miles souther of Saint Anns, in Leake County, Mississippi. She and her daughter, who is also present, have the appearance of being full blood Indians. They speak and understand the Choctaw language, and very little English, the examination of this applicant having been conducted entirely through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 27th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Edinburg, Mississippi, this 5th day of January, 1902.

*L. B. Mosely*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By

*[Signature]*  
6

Deputy.

*Con.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---oOo---

In the matter of the application of Lucy Joshua, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4441.

-----D E C I S I O N-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 27, 1901, by Lucy Joshua, for herself, her minor child,  
Belle Joshua, and her minor grandchild, John Stoliby, under the  
following provision of the act of Congress approved June 28, 1898,  
(30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blood Mississippi Choctaw  
Indians.

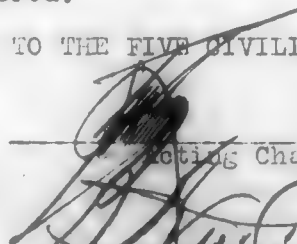
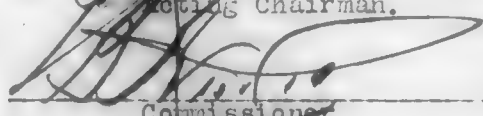
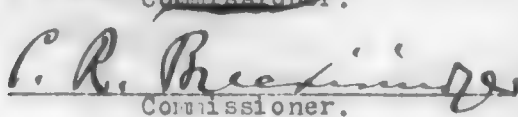
Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification  
of this agreement and in the disposition of such applications

all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Lucy Joshua, Belle Joshua and John Stoliby should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
C. R. Breckinridge  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903



COPY.

M.C.P. 4441

Waskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Lucy Joshua, her minor child Belle Joshua, and minor grand-child John Staliby as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 841).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Lucy Joshua, her child and grand-child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tame Bixby.*  
Sitting Chairman.

Registered:

Enc. M.C.N. 4441

M.O.R. 4441.

COPY.

Waskagee, Indian Territory, March 11, 1903.

Lucy Joshua,

Saint Anne, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your minor child, Belle Joshua, and your grand-son, John Stohly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atnka, Choctaw Nation, or Tahowings, Chickasaw Nation.

Respectfully,

SIGNED.

*Tame Kirby*

Chairman.

Registered.

Enc. 4441.

M C R 4442

Mustoge, Indian Territory, May 18, 1903.

Solomon Stolby,

Gap, Mississippi.

Dear Sir:

The Commission has received information of the death of your mother, Lucy Joshua, and for the purpose of making her death a matter of record there is herewith enclosed you a blank for proof of same.

In having said blank enclosed be careful to see that all names are written in full, and in the event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto.

The notary public before whom the affidavits are acknowledged, must affix his notarial jurat and seal to each separate affidavit.

Please give this matter your prompt attention, and return the affidavits in the enclosed envelope which requires no postage.

Respectfully,

Chairman.

Rev. A. B. C



K C R 4441

Muskogee, Indian Territory, April 25, 1906.

T. P. Martin, Jr.,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting to be advised if one Belle Joshua, now the wife of Amos York, is entitled to enrollment as a Mississippi Choctaw.

In reply you are informed it appears from the records of this office that on February 14, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying as full blood Mississippi Choctaws, Lucy Joshua, her minor child Belle Joshua, and grandchild, John Steliky.

Although notified by registered mail of the decision of said Commission, it does not appear that any of said parties removed to the Choctaw-Chickasaw country, Indian Territory, within six months from the date of their identification, as required by the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stats., 641). Therefore, Belle Joshua is not at this time entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

M.C.R. 4441.

Washkgee, Indian Territory, September 10, 1906.

Amos York,  
Postoffice Box 283,  
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 14, 1906; in which you state that last February you returned to the State of Mississippi and married one Belle Joshua, a Mississippi Choctaw, and request to be advised if you can now have her identified by appearing at this office.

In reply you are advised that it appears from the records of this office that on February 14, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying as full-blood Mississippi Choctaws, Lucy Joshua, her minor child, Belle Joshua, and grandchild, John Stelby.

Although these parties were notified by registered mail of the decision of said Commission, it does not appear that they removed to the Choctaw-Okfuskee country, Indian Territory, within six months from the date of their identification, as required by the provisions of the Forty-first Section of the Act of Congress approved July 1, 1903 (32 Stats., 841).

A. Y. S.

Therefore, Belle Joshua is not at this time entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

M C R 4441

Muskegee, Indian Territory, December 10, 1906.

Amos York,  
Post Office Box 288,  
Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, 1906, by reference from the United States Indian Agent, Union Agency. Therein you request that your wife, Belle Joshua, who removed to the Indian Territory, March 5, 1906, be enrolled as a Mississippi Choctaw.

In reply you advised that this office is unable to give you any further information in regard to this matter, than that contained in its letter to you, under date of September 10, 1906.

Respectfully,

Commissioner.

Waskagee, Oklahoma, April 13, 1909.

Mr. Amos York,

Marlow, Oklahoma.

Sir:

Receipt is acknowledged of your letter of March 19, 1909, by reference from the United States Indian Agent, Union Agency, requesting that your wife, Belle Joshua, be allowed to file on an allotment of land in the Choctaw-Chickasaw country.

In reply you are advised it appears from the records of this office that on February 14, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Lucy Joshua, her minor child, Belle Joshua, and grandchild, John Stoliby, as full blood Mississippi Choctaws.

On March 11, 1903, Lucy Joshua was notified by registered letter at Saint Anna, Mississippi, that she and her family would have six months from February 14, 1903, within which to remove to and settle within the Choctaw-Chickasaw country, Indian Territory, and one year from February 14, 1903, within which to make proof of such removal and settlement.

It does not appear that proof of such removal and settlement was submitted within one year from date of identification, and therefore the name of Belle Joshua does not appear upon the final roll of Mississippi Choctaws.

Amos York

Belle Joshua is not at this time entitled to share in the distribution of the tribal property of the Choctaws and Chickasaws, and no allotment can be made in her name.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed on March 4, 1907, since which date the Secretary of the Interior has been without authority to approve the enrollment of any person as a citizen or freedman of any of said tribes.

Since the date last above mentioned there has been no further legislation affecting enrollment in the Five Civilized Tribes, nor have I any information as to the probability of the reopening of the rolls at any future date.

Respectfully,

Commissioner.

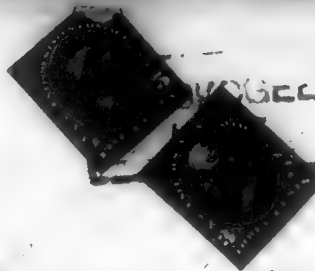
McM

Received  
3-18  
1703



*Handwritten notes on the left margin, including "Mississippi" and "1863".*

*Handwritten notes at the top center, including "P. M. 1863".*



Department of the Interior.

Commission to the Five Civilised Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Lucy Joshua,~~

~~Saint Ann, Mississippi.~~

*Small handwritten mark or signature at the bottom center.*



*Lucy Joshua*

*R. 4441*

DECISION RENDERED FEB 11 1903

FEB 11 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

#1587

No. 4441

For Identification as a Mississippi Choctaw.  
Saint Anns, Miss.

Date Dec. 27, 1901.

Name Lucy Joshua

Age 50

Blood full

Post Office, Saint Anns, Miss

Father: don't know-

d

Mother: Betsey

d

Claims through both parents

(Claims for self, one minor  
child and one minor grandchild)

(See Miss. Choc. card filed No 117.)

Children:

Belle Joshua

(full)

15

Father Mullens Joshua

d

John Stoliby

(full)

4

Father Solomon Stoliby

d

Mother Callie

"

d

Stenographer

A. S. Street

Choctaw MCR 4442

Robert Sweeny

MCR 4442

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Robert Sweeney, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4442.

---o---

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----cOo----

In the matter of the application of Robert Sweeney, et al.,  
for identification as Mississippi Choctaws, M. C. R. 4442.

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-- I N D E X --

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|--|---|
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| Decision of the Commission identifying the<br>above applicants,-----                                 | 6 |

--o--

4442

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Near Thomastown, Mississippi, December 28, 1901.

In the matter of the application of Robert Sweeney for the identification of himself, his wife, Ara Ann, and two minor children, Joseph and Frank, as Mississippi Choctaws.

Robert Sweeney, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Robert Sweeney.  
Q How old are you? A Twenty six.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Thomastown.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q Lived here all your life, have you? A Yes.  
Q Is your father living? A Yes, sir.  
Q What's his name? A Sweeney Boley.  
Q Where does he live? A Live this side of Carthage five miles.  
Q Is he a full blood Choctaw? A Yes.  
Q About how old a man is he? A About fifty.  
Q Has he a Choctaw name? A No.  
Q Is his father living? A No.  
Q Or his mother? A No, sir.  
Q Do you know the names of either of them? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Winnie.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes, sir.  
Q Your father always lived here? A Yes.  
Q Is your mother older or younger than your father? A Father's the oldest.  
Q Do you know the name of either one of your mother's parents? A No.  
Q So far as you know, have all of your ancestors been full blood Choctaws? A Yes, sir.  
Q And have they always lived in Mississippi? A Yes.  
Q Are you married? A Yes.  
Q Have you been married more than once? A Just once.  
Q Has your wife been married more than once? A No.  
Q Are you living with your wife at this time? A Yes.  
Q Were you married to her under a license or according to the Choctaw custom? A License.  
Q Where did you get your license? A Carthage.  
Q Who married you? A Allen Willis, a full blood Choctaw preacher.  
Q When were you married? A Six years ago.  
Q Is your wife a full blood Choctaw? A Yes.  
Q Do you want to make application for her? A Yes.  
Q What's her name? A Ara Ann.  
Q Has she always lived in Mississippi? A Yes, sir.  
Q How old is she? A Twenty three.  
Q Is her father living? A Yes, sir.  
Q What's his name? A Rufus Yark.  
Q Where does he live? A Close to where I am living, near here.

Robert Sweeney, et al., 2.

- Q Is he a full blood Choctaw? A Yes, sir.  
Q Has he a Choctaw name? A No, sir.  
Q Did your mother have a Choctaw name? A No, sir.  
Q About how old a man is Rufus? A About fifty.  
Q Is your wife's mother living? A Yes, sir.  
Q What's her name? A Malissa.  
Q Is she a full blood Choctaw? A Yes, sir.  
Q Where does she live? A Near Thomastown.  
Q Is she older or younger than Rufus? A Rufus the eldest.  
Q Has Malissa a Choctaw name? A No.  
Q Do you know the name of either one of Rufus' parents? A No.  
Q Or either one of Malissa's parents? A No.  
Q So far as you know, have all of your wife's ancestors been full blood Choctaws? A Yes.  
Q Have they always lived here in Mississippi? A Yes.  
Q Have you any children? A Yes.  
Q How many? A Two.  
Q What are their names? A ~~Isiah~~ Joseph.  
Q How old is Joseph? A Nearly three years.  
Q What's the next one? A Frank.  
Q How old is Frank? A Three days.  
Q Are these children the children of yourself and Ara Ann? A Yes.  
Q They are both living with you now? A Yes.  
Q This application, then, is for yourself, your wife and two minor children? A Yes.  
Q Is your name, or your wife's name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, or wife, to be admitted or enrolled as members of that tribe, or did any one else ever make such an application for either of you? A No.  
Q Did you, or any one for you, or your wife, or any one for her, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Choctaw Nation under the Act of Congress approved June 10, 1896? A No.  
Q Have you ever made any application of any description before to-day for yourself or your wife to be admitted or enrolled as members of the Choctaw tribe of Indians? A At Carthage, three years ago.

Q

The records of the Commission show that on the 26th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself and his wife, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 24; also, upon page 37 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 91 and 92, respectively, thereon.

2

- Q Is this application made for yourself and wife at Carthage, Mississippi, three years ago, the only application that has ever been

Robert Sweeney, et al., 3.

made for ~~either~~ either of you? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions of that article, or ever receive any benefits under that article? A If they did, I don't know it.

Q Did any of them own an improvement here in the old Choctaw Nation in the year 1830, when this treaty was made? A I don't know.

Q Were any of them living here at that time? A If they did, I don't know it.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw nation, here in Mississippi and Alabama to the present Choctaw nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and take land and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government, or any money from the Government? A Never heard.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of that treaty. The records of the Government show that this agent failed to register and report to the Government, the names of many Choctaws who did in fact let him know they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek



Robert Sweeney, et al., 4.

but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of a commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the Commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors ever appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved June 10, 1896, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Did you ever see, or hear of, any deed or patent, issued to any of your ancestors, or any of your wife's ancestors by the United States Government, covering land here in Mississippi received from the Government? A No.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any.

Q Have you any witnesses here to-day whose testimony you desire to have taken in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken in support of this application, they may appear before the Commission at any one of its appointments here in Mississippi this winter, or at Meridian, Mississippi, between January 15th and February 15th next,

Robert Sweeney, et al., 5.

on within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Have you any brothers living? A No.

Q Any sisters living? A No.

Q Have you any brothers or sisters dead who left children? A No.

Q Has your wife any brothers or sisters living? A Yes.

Q How many? A Three brothers.

Q Any sisters? A Two.

Q What are the names of the brothers? A Ames York.

Q The next one? A Jamison.

Q The next one? A Jesse.

Q What are the names of the sisters? A Ida.

Q Is she under age? A Yes.

Q The next one? A Annie.

Q She is not of age either? A No, little girl.

Q Are any of your father's brothers or sisters, or any of their children living? A No.

Q Are any of your mother's brothers or sisters or any of their children living? A No.

Q Are any of your wife's father's brothers or sisters, or any of their children living? A No.

Q Any of your wife's mother's brothers or sisters, or any of their children living? A Brother living.

Q What's his name? A Nicholas Charles.

Q Has she any brothers or sisters dead who left children? A No. Some dead, but left no children.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language, and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause and that the above, and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause.

*R. S. Streit*

Subscribed and sworn to before me at Nainburg, Mississippi, this 6th day of January, 1902.

*L. B. Mosely*

Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- III-o-III ---

*CW*  
In the matter of the application of Robert Sweeney, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4442.

--- D E C I S I O N ---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 28, 1901, by Robert Sweeney, for himself, his wife, Ara  
Ann Sweeney, and his two minor children, Joseph and Frank Sweeney,  
under the following provision of the act of Congress approved June 28  
1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of

this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Robert Sweeney, Ara Ann Sweeney, Joseph Sweeney and Frank Sweeney should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Brantley  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

H. J. R. 4444.

Waskoge, Indian Territory, August 22, 1902.

Robert Sweeney,

Thomastown, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, in which you ask for information concerning your case.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself, your wife and two minor children as Mississippi Choctaws, having made such application at Thomastown, Mississippi, December 28, 1901.

No decision has been reached nor opinion rendered relative to the right of yourself and family to be identified as Mississippi Choctaws. When such decision is rendered you will be duly notified thereof.

Yours truly,

Acting Chairman.

COPY!

M.C.R. 4442

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Robert Sweeney, his wife Ann Ann Sweeney, and minor children Joseph Sweeney and Frank Sweeney as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Robert Sweeney, his wife, and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tamm Dixby.*

~~Attorney~~ Chairman.

Registered.

M.C.R. 4442



COPY

N.C.R. 4442.

Muskogee, Indian Territory, March 11, 1903.

Robert Sweeney,

Marlow, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Ara Ann Sweeney, and your two minor children, Joseph and Frank Sweeney, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Jame Kirby*  
Chairman.

Registered.

No. 4442.

Muskogee, Indian Territory, May 28, 1903.

Robert Sweeney,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you ask to be advised relative to contracts made between white men and Mississippi Choctaws.

In reply your attention is invited to the following provision of the act of Congress approved May 31, 1900:

"Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Respectfully,

Commissioner in Charge.



M.C.R.4448

Muskogee, Indian Territory, October 3, 1903.

Commissioner in Charge,  
Chickasaw Land Office,  
Tishomingo, Indian Territory.

Dear Sir:

This office is in receipt of a communication from Robert Sweeny, an identified Mississippi Choctaw, whose post office is now at Marlow, Indian Territory, requesting to be furnished with ticket of admission to the Land Office at Tishomingo, Indian Territory, for the purpose of selecting his allotment. Said Robert Sweeny and family, consisting of wife, Ara-Ann, children, Joseph and Frank, were identified on February 14, 1903, and placed on identified card No.48.

Please give this matter early attention.

Respectfully,

Chairman.

M.C.R.4442

Muskogee, Indian Territory, October 2, 1903.

Robert Sweeny,

Marlow, Indian Territory.

Dear Sir:

Replying to yours of September 26, 1903, you are advised that identified Mississippi Choctaws have six months from the date of their identification in which to remove to the Choctaw-Chickasaw country, which time expires with you August 14, 1903, and from this date you will have six months more to make proof of removal and settlement, which time expires with you February 14, 1904.

The matter of admission to the Land Office at Tishomingo, Indian Territory, will be made the subject of another communication.

Respectfully,

Chairman.

M C R 4442

Muskogee, Indian Territory, November 5, 1903.

Robert Sweeney, *Remailed Muskogee, I. T. Dec 12, 1903.*  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, in which you request that the Chickasaw Land Office be furnished with a copy of the proof of settlement made by you before this Commission at Muskogee, Indian Territory, on March 7, 1903.

In reply you are informed that copies of your testimony given at the time you testified relative to the removal to and settlement within the Choctaw-Chickasaw country of yourself, your wife, Ara Ann Sweeney, and your two minor children, Joseph and Frank Sweeney, have this day been forwarded the Chickasaw Land Office at Tishomingo.

Respectfully,

Chairman.

M C R 4443

Muskogee, Indian Territory, April 28, 1905.

Robert Sweany,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Minnie Sweany, infant daughter of Robert and Ida Sweany, born October 17, 1904.

Respectfully,

Chairman.

DECISION RE...

R. 4442

COPY OF

ATTORNEY

RELATION...

FILED...

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

P

#1588

No. 4142

For Identification as a Mississippi Choctaw.  
Thomastown, Miss.

Date Dec. 28, 1901.

Name

Robert Sweeney

Age

26

Blood

pure

Post Office

Thomastown, Miss

Father

Sweeney Boley

L

Mother

Winnie

"

d.

Claims through

both parents.

Wife

Ann Sweeney

(pure) 23

Father

Rufus York

L

Mother

Malissa

"

L

(Claims for self, wife and 2 children)

Children:

Joseph Sweeney

2

Frank

"

3 days

(See Miss Choctaw's field No. 24.)

(Names of all ancestors of self  
and wife whose names are  
known are shown above.)

Stenographer

R. S. Street

Choctaw MCR 4443

Pauline York

MCR 4443

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Pauline York, et  
al., for identification as Mississippi  
Choctaws,---M C R 4443.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Pauline York, et al.,  
for identification as Mississippi Choctaws, M C R 4443.

---oOo---

-----: I N D E X :-----

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| Original application of Pauline York, et al.,<br>for identification as Mississippi Choctaws,----- | 1    |
| Decision of the Commission identifying the<br>above applicants,-----                              | 7    |

4443

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Near Thomastown, Mississippi, December 28, 1901.

In the matter of the application of Pauline York, for the identification of herself, one minor child, William York, minor brother, Eastman Moses, and minor sister, Lelia Moses, as Mississippi Choctaws.

Pauline York, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

Q What is your name? A Pauline York.  
Q How old are you? A Twenty.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Thomastown, Mississippi.  
Q How long have you lived in Leake County? A Born and raised here.  
Q Lived here all your life? A Yes.  
Q Is your father living? A Yes No, been dead long time.  
Q What was his name? A Colbert Moses.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he have a Choctaw name? A No.  
Q Did he always live in Mississippi? A Yes, sir.  
Q About how old would he be if he were living now? A I don't know; I was little child when he died.  
Q Do you know the name of his father? A I don't know.  
Q Do you know the name of his mother? A Yes, Sallie Campbell.  
Q Is she living here now in Leake County? A Yes.  
Q Do you know the name of either of Sallie's parents? A I don't know.  
Q Is your mother living? A Yes.  
Q What's her name? A Lisby.  
Q What's her husband's name? A I don't know.  
Q Where does she live? A Close to Bainburg.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q Do you know the name of her father? A No.  
Q Or her mother? A I don't know.  
Q So far as you know, have all of your ancestors been full blood Choctaw Indians? A Yes.  
Q Have they always lived here in Mississippi? A Yes.  
Q Are you married? A Yes, was, but separated from my husband.  
Q Have you any children? A Yes.  
Q How many? A One.  
Q What's that child's name? A William.  
Q Is he living with you at this time? A Yes.  
Q How old is he? A Two years old.  
Q What's the name of the father of this child? A Sidney York.  
Q Is he living? A Yes.  
Q Is he a full blood Choctaw? A Yes.  
Q Is he the man you were married to and are now separated from?  
A Yes.

1

Pauline York, et al., 2.

- Q How long have you been separated? A About two years.
- Q Were you married under a license, or according to the Choctaw custom? A Choctaw custom.
- Q This child of yours, then, is a full blood Choctaw, is he? A Yes.
- Q Have you ever been married more than once? A Just once.
- Q Is Sidney's father living? A Yes.
- Q What's his name? A Dixon York.
- Q Where does he live? A I reckon so live in Leake County.
- Q Is he a full blood Choctaw? A Yes.
- Q Sidney's mother living? A Yes.
- Q What's her name? A Josephine.
- Q Is Josephine a full blood Choctaw? A Yes.
- Q Do you know the name of either of Dixon's parents, or either of Josephine's parents? A No.
- Q Have you any minor brothers and sisters living with you, for whom you want to make application? A Eastman Moses and Lelia Moses.
- Q How old is Eastman? A Eighteen.
- Q How old is Lelia? A About fifteen.
- Q Are they full brothers and sisters of yours? A Yes, sir.
- Q This application, then, is for yourself, one minor child, one minor brother and one minor sister, is that correct? A Yes.
- Q Is your name, or the name of either of your brother or sister to be found upon any of the Choctaw tribal rolls in Indian Territory?
- A I don't know.
- Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No.
- Q Did you, or any one for you, make application to this commission in the year 1896, - make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation? A No.
- Q Have you ever made any application of any kind before to-day for yourself, or either your minor brother or your minor sister? A No. Never did.
- Q Did any one else ever make an application for you? A Yes, some one, I reckon, gave in our names three years ago to the Commission.

The records of the commission show that on the 24th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of herself, her minor brother, Eastman, and minor sister, Lelia, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 39; also, upon page 39 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 130, 131 and 132, respectively, thereon.

- Q This application made for you three years ago the only application of any kind that has ever been made for any of you? A Yes.

Pauline York, et al., 3.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your minor child, your minor brother and minor sister under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to remove from this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might stay here and receive land from the Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of the ancestors of Sidney York ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know.

Q Did any of them own an improvement here in 1830, when this treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Pauline Yerk, et al., 4.

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government for the Choctaw here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Or under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q You never heard, then, of any of them ever having gotten any land here in Mississippi from the Government? A Never did hear of it

Q Or any money? A Never did hear of getting any money.

Q So far as you know, were any of your ancestors, or any of the ancestors of Sidney Yerk, ever recognized members of the Choctaw tribe of Indians, or did any of them ever receive any benefits as such? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that treaty. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales, here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress approved on the 22nd day of February 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given



Pauline York, et al., 5.

hearings, so another Act was passed, which was approved on the twenty third day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of the ancestors of Sidney York appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of the ancestors of Sidney York, ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors or any of Sidney York's ancestors, covering land here in Mississippi received from the Government? A Never saw or heard of such a thing.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of the ancestors of Sidney York, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.

Q Have you any witnesses whose testimony you desire to have taken in support of your application at this time? A None.

If you should find any witnesses whose testimony you desire to have taken before the commission they may appear before the commission at any of its appointments here in Mississippi this winter, or Meridian, Mississippi between January 15 and February 15th next, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory and their testimony will be taken.

5

Q Have you any brothers or sisters living besides the two for whom you have made application at this time? A No

Q Did you ever have any others? A One living, but living with my mother.

Q What's that child's name? A Rufus Moses.

Q Is he of age? A Yes.

Q Are any of your father's brothers or sisters or any of their children

Pauline York, et al., 6.

living? A I don't know of any.

Q Are any of your mother's brother's or sisters or any of their children living? A I don't know of any.

Q Are any of the brothers or sisters of Sidney York of age? A No.

Q Are any of the brothers or sisters of Sidney's York's father or any of their children living? A One brother, Rufus York.

Q You don't know whether he has any brothers or sisters dead who left children? A I don't know.

Q Are any of the brothers or sisters of Sidney's mother, or any of their children living? A No.

(This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language, and very little English, the Examination having been conducted almost entirely through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause.

*R. S. Streit*

Subscribed and sworn to before me at Bainburg, Mississippi, this 6th day of January, 1902.

*L. B. Mosley*

Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----IIIIIOIIII-----

*CW*  
In the matter of the application of Pauline York, et al.,  
for identification as Mississippi Choctaws, M C R 4443.

-----:D E C I S I O N:-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 28, 1901, by Pauline York, for herself, her minor child,  
William York, and her minor brother Eastman Moses, and minor sister  
Lelia Moses, under the following provision of the act of Congress  
approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
~~Mississippi Choctaw shall be received by said Commission after~~  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of



any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Pauline York, William York, Eastman Moses and Lelia Moses should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

M.C.R. 4443

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish  
Attorneys for the Choctaw and Chickasaw Nation  
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Pauline York, her minor child William York, her minor brother Eastman Moses and her minor sister Lelia Moses as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 841).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Pauline York, her child and her brother and sister as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered  
Enclosure G.H. 53

*[Signature]*

COPY.

H.C.R. 2403

Wahkago, Indian Territory, March 12, 1903.

Pauline York,

Thomas town, Mississippi.

*Remailed on July 23/03 to Marietta, I.T.*

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your minor child, William York, your minor brother, Hartman Moses, and your minor sister, Lelia Moses, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tamr Dixby,*

Chairman.

Registered.

Enc. 4443.

M.C.R. 2107  
" 2112  
" 3198  
" 4443

Muskogee, Indian Territory, April 2, 1903.

J.C. Washington,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you state that Sidney York and wife, Pauline, and their son, Willie York; Austin Jim, his wife, Olie, and two children, Martha and Daisy Jim; Mattie Sacket and Frank Lewis, Mississippi Choctaws who have recently removed from Koscusko, Mississippi, want you to select their allotments. You ask to be advised as to their status as Mississippi Choctaws and further state that if they are entitled to land, you will put them in possession of same to the amount of their allotments.

In reply to your letter, you are informed that it appears from the records of the Commission that Sidney York, age nineteen years, son of Dixon York; Pauline York, age twenty years, and minor child, William York, age two years; Jim Austin, his wife, Olie, and minor children, Martha and Bessie Austin; and Frank Lewis, stepson of Billy Rubbee, were on February 14, 1903, duly identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

J C W 2

On March 11, 1903, the applicants were duly notified of the action of the Commission and that they would be allowed until August 14, 1903, within which to remove to and make bona fide settlement within the Choctaw-Chickasaw country.

It does not appear from our records that any person by the name of Hattie Rocket is an applicant for identification as a Mississippi Choctaw.

Your attention is invited to rule two of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, which were approved by the Commission to the Five Civilized Tribes March 24, 1903, which provides as follows:

"Applications to have land set apart and homesteads designated for duly identified Mississippi Choctaws must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children and if the father be dead the mother may apply. Husbands may apply for wives. Applications for orphans, insane persons and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission."

Respectfully,

Commissioner in Charge.

M C R 2118  
M C R 4443

Muskogee, Indian Territory, April 11, 1905.

Sydney York,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for  
enrollment as a citizen of the Choctaw Nation of Annice York,  
infant daughter of Sydney and Pauline York, born October 10, 1903.

Respectfully,

Commissioner in Charge.

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.**

IN RE  
*Identification*  
Application for ~~Enrollment~~ of

INFANT CHILD

*William Ford.*

His mother is

MISSISSIPPI CHOCTAW.

Nation.

Approved,

FOR IDENTIFICATION AS 190  
A MISSISSIPPI CHOCTAW  
Commissioner.

*See Miss Cho Card Guide No 39.*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

COMMISSIONER

MISSISSIPPI CHOCTAW 1909

4443

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
DEC 30 1901

*[Signature]*

ACTING CHAIRMAN.



See Miss Cha Card Filed No 39.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of William York, born on the 1st day of January, 1899,  
(Here insert name of child)  
Name of Father: Sidney York, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Pauline, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office: Thomastown, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi, }  
County of Leflore, }  
Pauline York

Pauline York, on oath state that I am 20  
years of age and a citizen, by Full Blood, of the Choctaw Indian Nation;  
that I am the lawful wife of Sidney York, who is a citizen, by  
Full Blood, of the Choctaw Indian Nation, that a male child was  
(male or female)  
born to me on the 1st day of January, 1899; that said child has been  
named William York, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Guy L. V. Emerson  
Oscar Billy

Pauline York  
maury

Subscribed and sworn to before me this 28 day of December, 1901.

L. B. Mosely Clerk  
U.S. Circuit Court in District of Mississippi  
By J. B. Mosely

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, \_\_\_\_\_, on oath state that I  
attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1901; that there was born to her on  
said date a \_\_\_\_\_ child; that said child is now living and is said to have been  
(male or female)  
named \_\_\_\_\_.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

NOTARY PUBLIC

1921/01. Child in mother's arms present before Commissioner  
appears to be a free Negro.  
G. L. V. Emerson



A MISSISSIPPI CHOCOLATE

*Pauline York et al*

IDENTIFIED

R. 4443

DECISION RENDERED FEB 11 1903

RECEIVED BY DECISION OFFICE  
FEB 21 1903  
MISSISSIPPI NATIONAL

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

*20. 10. 12. 1903*

1589

No. 4143

For Identification as a Mississippi Choctaw.  
Thomastown, Miss.

Date Dec. 28, 1901.

Name Pauline York

Age 20 Blood full

Post Office, Thomastown, Miss.

Father: Colbert Moses d

Mother: Lisby L

Claims through Both parents  
(Claims for self, one child,  
and one brother and one sister)  
(See Miss. Choct. card field No. 39.)

Children:

William York (full) 2 yr. L  
Father: Sidney York

Eastman Moses (full) 18

Lelia 15

(Mother of Colbert = Sallie Campbell L

Father of Sidney = Dixon York L

Mother = Josephine L )

Stenographer

R. S. Street

Choctaw MCR 4444

ChunKey Billey

(Na-tubbee)

MCR 4444

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the identification of  
Chunkey Billey (Na-tubbee) as a Mississippi Choctaw, M.C.R. 4444.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the identification of  
Chunkey Billey (Na-tubbee) as a Mississippi Choctaw, M.C.R.4444.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CARTHAGE, Leake County, Miss., Wednesday, January 26th, 1899.

Applications for Identification as Mississippi Choctaws.

WILLIS BILLEY, the applicant, states: I am 52 years old. Am a full blood Choctaw. My wife is a full blood. Her name is Phillis, aged 52 years. We have the following children living with us: Henderson, 12 years old. My father is named Chankey Billey, 85 years old, and he lives with me, and is a full blood Choctaw.  
(Full Blood)

Henry G. Hains, stenographer to the Commission to the Five Civilized Tribes, states on oath that the above is a true and correct copy of the testimony given by Willis Billey at Carthage, Leake County, Mississippi, January 26, 1899, as appears in the records of the Commission.

Henry G. Hains

Subscribed and sworn to before me this 23<sup>rd</sup> day of January, 1899

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CARTHAGE, Leake County, Miss., Wednesday, January 26th, 1903.

Applications for Identification as Mississippi Choctaws.

WILLIS BILLEY, the applicant, states: I am 52 years old. Am a full blood Choctaw. My wife is a full blood. Her name is Phillis, aged 52 years. We have the following children living with us: Henderson, 18 years old. My father is named Chunkey Billey, 88 years old, and he lives with me, and is a full blood Choctaw.  
(Full Blood)

Henry G. Hains, stenographer to the Commission to the Five Civilized Tribes, states on oath that the above is a true and correct copy of the testimony given by Willis Billey at Carthage, Leake County, Mississippi, January 26, 1903, as appears in the records of the Commission.

*Henry G. Hains*

Subscribed and sworn to before me this 26 day of January, 1903

*Charles H. Sawyer*

Notary Public.

*Wex*



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GARTHAGE, Leake County, Miss., Wednesday, January 28th, 1899.

-----  
Applications for Identification as Mississippi Choctaws.  
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WILLIS BILLEY, the applicant, states: I am 52 years old. Am a full blood Choctaw. My wife is a full blood. Her name is Phillis, aged 52 years. We have the following children living with us: Henderson, 13 years old. My father is named Chankay Billey, 86 years old, and he lives with me, and is a full blood Choctaw.  
(Full Blood)

Henry G. Hains, Stenographer to the Commission to the Five  
of Civilized Tribes, states on oath that the above is a true and correct  
copy of the testimony given by Willis Billey at Garthage, Leake  
County, Mississippi, January 26, 1899, as appears in the records  
of the Commission.

*Henry G. Hains*

Subscribed and sworn to before me this 23 day of January, 1903

*Charles H. Sawyer*

Notary Public.

*Wax*



4444

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Ofahoma, Mississippi, December 31st, 1901.

In the matter of the application of Chunkey Billey for the identification of himself as a Mississippi Choctaw.

(Oscar Billey, official interpreter).

Examination by the Commission.

By the Commission:

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language. He has the appearance of being in the neighborhood of eighty years old and claims to be about that old. He states to the interpreter, Oscar Billey, that he is so old and decrepit that he does not expect to be living at the time the claims of the Mississippi Choctaws are settled and refuses to make any application. He has no family living with him. His only son living is Willis Billey. He has no daughters living. The applicant is an invalid and is so deaf that it is almost impossible for the interpreter to make him understand anything that is said to him. This statement is made at the home of the applicant about two and one-half miles northeast of Ofahoma, Leake County, Mississippi. The Choctaw name of the applicant is Na-tubbee. The wife of the applicant has been dead over thirty years.

Oscar Billey being called to testify and being first duly sworn, testified as follows:-

I am official interpreter for the Commission to the Five Civilized Tribes, in Mississippi. This the 31st day of December in company with the representatives of the Commission I visited the home of Chunkey Billey, about two and one-half miles northeast of Ofahoma, Leake County, Mississippi. The applicant, Chunkey Billey, is a full blood Indian, having the appearance of being at least eighty years of age. He speaks and understands the Choctaw language and no English. He stated to me that on account of being so old and feeble he would not make any application to the Commission. He also stated to me that he was living with his only living son, Willis Billey; that he has no daughter living. His wife has been dead in the neighborhood of thirty years.

By the Commission:

The records of the Commission show that on the 26th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of Chunkey Billey as a Mississippi Choctaw, his name appearing on Mississippi Choctaw card Field No. 114, also upon page 49 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being

Chunky Billey--2

number 403 thereon.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause heard at the residence of the applicant, about two and one-half miles northeast of Ofahoma, Leake County, Mississippi, December 31st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 3rd day of January, 1902,  
at Edinburg, Mississippi.

*L. B. Mosley*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CARTHAGE, Leake County, Miss., Wednesday, January 26th, 1899.

Applications for Identification as Mississippi Choctaw.

WILLIS BILLEY, the applicant, states: I am 52 years old. Am a full blood Choctaw. My wife is a full blood. Her name is Phillis, aged 52 years. We have the following children living with us: Henderson, 18 years old. My father is named Chankey Billey, 85 years old, and he lives with me, and is a full blood Choctaw.  
(Full Blood)

Henry G. Haine, stenographer to the Commission to the Five Civilized Tribes, states on oath that the above is a true and correct copy of the testimony given by Willis Billey at Carthage, Leake County, Mississippi, January 26, 1899, as appears in the records of the Commission.

*Henry G. Haine*

Subscribed and sworn to before me this 26 day of January, 1899

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

*Over*

In the matter of the application for the identification of  
Chunkey Billey (Na-tubbee) as a Mississippi Choctaw, M.C.R.4444.

.....D E C I S I O N.....

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
on December 31, 1901, by Oscar Billey for Chunkey Billey (Indian  
name Na-tubbee), under the following provision of the act of Con-  
gress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, concluded  
September twenty-seventh, eighteen hundred and thirty,  
and to that end may administer oaths, examine witnesses  
and perform all other acts necessary thereto and make  
report to the Secretary of the Interior."

From the evidence submitted in support of said application  
it appears that the applicant is a full-blood Mississippi Choctaw  
Indian.


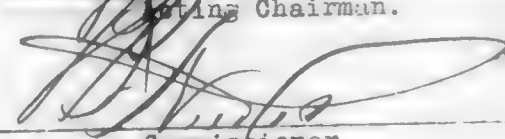
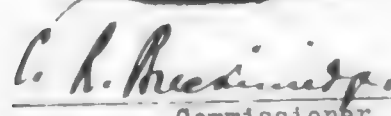
Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Chunkey Billey (Na-tubbee) should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
C. H. Ruedenberg.  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903



COPY

H.C.R. 4444

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Chunkey Hilley (Ma-tubbee) as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats, 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Chunkey Hilley (Ma-tubbee) as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tams Dixby,*

Acting Chairman

Registered

Enclosure G.H. 60

COPY.

H. C. R. 4444

Muskogee, Indian Territory, March 11, 1903.

Chunky Billey (Na-tubbee),  
Oklahoma, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tahlequah, Chickasaw Nation.

Respectfully,

SIGNED:

*Tams Dixie.*

Chairman.

Registered.

Enc. 4444

CHIEF OF BUREAU  
CHUNKY BILLEY.  
(Ma-tubbee.)

IDENTIFIED

R. 4444

DECISION RENDERED FEB 1 1903

TO BEYER FOR CHIEF OF BUREAU  
MICKASAW NAT. LNS FEB 2 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903



#1590

No. 4144

For Identification as a Mississippi Choctaw.

Oklahoma, Miss.

Date

Dec 31, 1901

Name

Chumkey Billy (Ka-lutba)

Age

80

Blood

pure

Post Office,

Oklahoma, Miss.

Father:

don't know

Mother:

"

"

Claims through

both parents.

(Claims for self only)

See Miss. Choctaw and field No. 114.)

Children:

Stenographer

J. S. Miles.

Choctaw MCR 4445

James S. Hearon

See MCR 4447

MCR 4445

4445

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 31st, 1901.

In the matter of the application of James S. Hearon for the identification of himself and his two minor children, Charlie B., and Mattie Hearon, as Mississippi Choctaw.

Said James S. Hearon, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter).

Examination by the Commission .

- Q What is your name? A James S. Hearon.
- Q How old are you? A I am about fifty years old.
- Q How much Choctaw blood do you claim to have? A My mother said that her mother was about a full blood.
- Q Do you mean to claim that her mother was a full blood? A Yes sir.
- Q Then your mother was a half blood, was she? A Yes sir.
- Q So you claim to be a quarter blood Choctaw, is that right? A Yes sir.
- Q And the other three quarters is white? A Yes sir.
- Q What is your postoffice address? A Chita, Attala County, Mississippi.
- Q How long have you lived in Attala County? A About fourteen years.
- Q Where did you live immediately before you went to Attala County? A I was born and raised in Choctaw County, Mississippi.
- Q You lived there all your life until you went to Attala, did you? A No sir, I went to Texas and then came back.
- Q How long did you stay in Texas? A About five or six years.
- Q How long was it before you moved to Attala County that you returned from Texas to Choctaw County? A I don't know exactly.
- Q About how long? A Four or five years I reckon.
- Q Have you ever been in Indian Territory? A No sir.
- Q Is your father living? A No sir.
- Q What was his name? A His name was William Hearon.
- Q Is your mother living? A No sir.
- Q What was her name? A Polly.
- Q Through which one of your parents do you derive your Choctaw blood? A From my mother.
- Q You claim, then, that your mother was a half blood Choctaw? A That is what she said.
- Q Did she speak or understand the Choctaw language? A I don't know.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Where did your mother live during her life time? A She lived here part of the time but died in Hopkins County, Texas.
- Q When did she go to Texas? A It has been several years ago. I don't know how long ago.
- Q Did she live in Mississippi all her life until she went to Texas? A Yes sir.
- Q Was she born in Choctaw County? A I don't know, sir.
- Q Describe her personal appearance? A She was sort'a yellow complected, black, coarse hair, black eyes.
- Q Through which one of her parents did she get her Choctaw blood? A From her mother.

James S. Hearon et al---2

Q What was her mother's name? A Betsey, I believe.  
Q Did you ever see Betsey? A I was small.  
Q Do you remember her? A Yes sir, but I was small.  
Q You don't remember her personal appearance then? A Yes sir, she was yellow complected.  
Q Is that all you remember about her? A Yes sir.  
Q When did she die? A She has been dead years ago.  
Q How old would your mother be if she were living now? A About eighty-two or eighty-three years old.  
Q You claim that your mother's mother, Betsey, was a full blood Choctaw? A Yes sir.  
Q Do you know any old person living who was acquainted with her during her life time? A Mr. Cartledge did.  
Q Where does he live? A In Montgomery County.  
Q What are the names of those who knew her? A Old man Eli and Sam Cartledge.  
Q What is their postoffice address? A Poplar Creek.  
Q Did Betsey live in Mississippi all her life time? A No sir, I don't think she did.  
Q Where else did she live? A I think she came from South Carolina.  
Q Do you know when she came from South Carolina? A No sir, I can't tell you.  
Q Did any of your ancestors ever live in Indian Territory? A Not as I know of.  
Q So far as you know, were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.  
Q You don't know whether any of them were ever recognized members of the Tribe, or not? A No sir, I don't know.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Melvina.  
Q Has she any Choctaw blood? A No sir.  
Q You make no claim for her then? A No sir.  
Q Have you been married more than once? A No sir.  
Q Have you any children living? A Yes sir, two children.  
Q What are the names of these two children and their ages? A Charlie E., and Mattie.  
Q How old is Charlie? A He was seven years old the third day of November.  
Q How old is Mattie? A She was a year old this last August.  
Q This application then is for yourself and two minor children? A Yes sir.  
Q Are these two children the children of yourself and Melvina? A Yes.  
Q They are both living with you at this time, are they? A Yes sir.  
Q Were you married to her under a license? A Yes sir.  
Q When were you married to her? A It has been, I reckon, about eight years.  
Q Where were you married to her? A In Attala County.  
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Melvina Hearon, the mother of your children, for use in the consideration of

James S. Hearon et al---3

the application you make in behalf of these two children.

Q Is your name or the name of your oldest child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application for yourself or your oldest child to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as members of that Tribe? A No sir, never did.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or this minor child under the act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any description for yourself or this child before today? A No sir, never did.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in that treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might stay here and receive land from the Government.

Q Do you understand that 14th article? A No sir, I don't.

Q Never heard it read or explained? A No sir.

It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the



James S. Hearen et al----4

States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that? A I don't know whether I do, or not.  
Q What is there that you do n't understand about it? A I don't know whether I understand it or not.

As I have heretofore stated, these Choctaws -that is that 14th article provided for these Choctaws who wanted to stay here 70 years ago, when the main body of the Tribe moved out west; such as stayed here might receive land here in Mississippi, at that time; from the Government but there were certain conditions that had to be complied with by them in order to get this land. First, they must within six months after this treaty was ratified and the treaty was ratified on the 24th day of February, 1831, let the Agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and they would thereupon be entitled to certain land; for the head of a family six hundred and forty acres; for a child over ten years of age three hundred and twenty acres, or a half section; for a child under ten years of age 160 acres, or a quarter section. These reservations for the children must adjoin the location of the parent and the reservation must include the improvement that the parent had on the 27th day of September, 1830, the day this treaty was made. Now, after the reservation had been made for the Indians, they were required under this 14th article to live upon this land for five years from February 24th, 1831, the day the treaty was ratified, and if they did that they were entitled to a grant in fee simple to the land; that is the Government would give them a deed to the land and they could do with it whatever they pleased. The last clause of that 14th article is as follows:- "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is-if a Choctaw stayed here in Mississippi and took land, that he should not by doing so lose the privilege of a Choctaw citizen but if he ever removed out to the new country west of the Mississippi River, he would not be entitled to any portion of the Choctaw annuity.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A Not that I know of.

James S. Hearon et al---5

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of them live here in the old Choctaw Nation at that time, 70 years ago? A I couldn't tell you that either.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I couldn't tell you that either.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I couldn't tell you that either.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I couldn't tell you.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A If they did I don't know it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I couldn't tell you.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government of the United States?

A No sir.

Q Or ever having gotten any money from the Government? A No sir, never did.

Q Did you ever hear of any of them ever having lived in Indian Territory? A No sir.

Q Or ever having been recognized members of the Choctaw Tribe of Indians? A My mother said she had Choctaw blood. That's all I know about it.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors by the Government of the United States covering land here in Mississippi? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens of the States and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the

3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in 1837 and 1838 and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases, so it became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The act of Congress approved August 23rd, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under that act of Congress? A Never did as I know anything about.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

Q You don't know of anyone? A No sir.

Q Have you any witnesses here today whose testimony you desire to have taken in your case? A No sir.

Q Have you any written evidence of any kind you want to offer? A Yes.

The joint affidavit of S. V. and N. T. Cartledge, the affidavit of Emily J. F. Hillhouse, the affidavit of J. F. Hearon, the affidavit of J. S. Hearon are offered in



James S. Hearon, et al---7

evidence, identified as exhibit "A", filed and made a part of the records in this case,

Q Is that all the documentary evidence you have to offer? A Yes sir.

Q What was the maiden name of your mother's mother, Betsey? A Betsey Robinson.

Q And her parents were bother full blood Choctaws, then? A I couldn't tell you. I reckon so.

Q Do you know the names of her parents? A No sir, I sure don't.

Q You don't know anything about them? A No sir.

Q You don't know how old Betsey was when she came from South Carolina? A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A I have got about four.

Q What are their names? A Joe, Tom, John and Frank.

Q Where does Joe live? A In Texas somewhere.

Q Do you know whether he has ever appeared before the Commission? A No sir, I don't.

Q Where does Tom live? A In Webster County, Mississippi.

Q Do you know whether he has been before the Commission, or not? A I don't know.

Q Where does John live? A Not far from where I live.

Q Has he been before the Commission? A No sir.

Q Where does Frank live? A He lives with me. I have a sister, too, but she has the dropsy and aint able to come.

Frank is here today to appear before the Commission, is he? A Yes sir.

Q Have you any sisters living? A Got two.

Q What are their names? A Emily F. Hillhouse and Clementine.

Q Where does Emily live? A In Attala.

Q Is she here today for the purpose of making application? A Yes.

Q Where does Clementine live? A Lives with me in Attala County but wasn't able to come this time.

Q Have you any brothers or sisters dead? A One sister.

Q Did she leave any children? A No sir.

Q You have no brothers dead? A No sir.

Q Are any of your mother's brothers or sisters living? A Yes sir, there is one I reckon. Old man Joe Robinson. He lives east of Water Valley somewhere.

Q Do you know whether he has been before the Commission? A No sir, I don't. I aint seen him for 14 or 15 years.

Q Did your ~~mother~~ mother ever have any other brothers or sisters? A They all died I think.

Q Did any of them leave children? A Yes sir, I think some of them had children and some of them never was married.

Q Are you acquainted with any of those children? A Yes sir, part of them.

Q What are their names? A Billy Bryant.

Q Where does he live? A Close to Walthall in Webster County, Mississippi.

Q What is the name of another one? A I don't know her name, she was always called Sister.

Q Is she married? A Yes sir.

Q What is her husband's name? A William H. Lucius.

James S. Hearon et al---8

Q Is that all now that are living, the children of your mother's brothers or sisters? A Yes.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

This applicant has the appearance of being a white man; shows very slight, if any, indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 31st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 4th day of January, 1902 at Edinburg, Mississippi.

*L. B. Moody*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

M.C.R. 4445.

COPY.

Muskogee, Indian Territory, October 8, 1902.

James S. Hearon,

Chita, Mississippi.

Dear Sir:-

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McCarah, et al.,           | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Pugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4456 |
| Austin L. Hearon,               | M.C.R. 4453 |
| Frank Hearon,                   | M.C.R. 4446 |
| James S. Hearon, et al.,        | M.C.R. 4445 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

J.S.H. #2.

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Creole Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Registered.

*James D. [Signature]*  
Acting Chairman.

M.C.R. 4445

COPY.

Muskogee, Indian Territory, February 26, 1903.

James S. Hearn,

Chita, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

Yours truly,

*James Bixby.*  
Chairman.

#1591

No.

4145

For Identification as a Mississippi Choctaw.

Carthage, Miss

Date

DEC 31 1901

Name

James S. Heron

Age

49

Blood

1/4

Post Office,

Chita, Miss

Father:

William Heron d

Mother:

Polly Heron (1/2) d

Claims through

mother

wife

Melvina Heron (white) L

(no claim for wife)

(Claims for self and 2 minor children)

Children:

Charlie B. Heron

7

Mattie

"

1

(Mother of

Polly Heron

Betsey Robinson, full blood)

Stenographer

J. S. Stille

Choctaw MCR 4446

Frank Hearon

See MCR 4447

MCR 4446



4446

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 31st, 1901.

In the matter of the application of Frank Hearon for the identification of himself as a Mississippi Choctaw.

Said Frank Hearon, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Frank Hearon.
- Q How old are you? A Somewhere over fifty years old.
- Q How much Choctaw blood have you? A My mother says I am Choctaw.
- Q Do you know how much Choctaw blood you have? A No sir.
- Q Do you know how much Choctaw blood your mother had? A No sir.
- Q Do you know through which parent your mother got her Choctaw blood? A No sir.
- Q How much Choctaw blood did her mother have? A I never heard her say.
- Q What is your postoffice address? A Chita, Attala County, Mississippi.
- Q Is your father living? A No sir.
- Q What was his name? A William Hearon.
- Q Did he have any Choctaw blood? A No sir, I don't think he had.
- Q White man was he? A Yes sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Polly.
- Q You got your Choctaw blood through your mother, do you? A Yes sir.
- Q But you don't know just how much Choctaw blood she had? A No sir.
- Q How long has she been dead? A She been dead, I reckon, about fourteen years.
- Q How old would she be if she were living now? A I don't know, sir.
- Q About how old do you think she would be? A About eighty some odd years old.
- Q How long have you lived in Attala County, Mississippi? A About thirteen or fourteen years.
- Q Where did you live before that? A I lived in Choctaw County, Mississippi.
- Q How long did you live there? A I was born and raised there.
- Q Where did your mother live during her life time? A She lived in Choctaw County.
- Q Where else did she live? A That's all the place I know of.
- Q Do you know where her mother lived? A She did live in Chickasaw County.
- Q What was Polly's mother's name? A I don't know, sir.
- Q Did any of your ancestors ever live in Indian Territory? A No sir, not as far as I know of.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q This application, then, is for yourself only, is it? A Yes.
- Q You never have been in Indian Territory? A No sir.
- Q Is your name on any of the Choctaw Tribal rolls out there in Indian Territory? A No sir.



Frank Hearon---2

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of the Tribe? A No sir.

Q This is the first application of any kind you have ever made, is it? A Yes sir.

Q No one else has ever made any application for you? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Part of it I do, part I don't.

The treaty of Dancing Rabbit Creek was made here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from this country out west of the Mississippi River to a new country, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. You understand we are talking about people who lived here 71 years ago, in 1830. The 14th article of that treaty is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Not clearly.

We will suppose that a Choctaw who was living here 71 years ago and who was the head of a family at that time, wanted

to stay here in Mississippi and not move out to the new country. Now-under this 14th article he must, if he wants to get land here, let the Agent of the Government of the United States here in Mississippi know, within six months from February 24th, 1831, that he did want to stay here. Then he would be entitled to a reservation of one section of land for himself, that is a piece of land a mile square, six hundred and forty acres, and if he had a child in his family over ten years of age for that child he would be entitled to a half section, or 320 acres, and if he had a child under ten years of age, for that child he would be entitled to a quarter section, or 160 acres. The reservations of the children must adjoin the parents reservation and these reservations must cover the improvement of the head of the family as it existed on the 27th day of September, 1830. Now, he must then live on that tract of land reserved for him for five years after the treaty was ratified, that is five years from February 24th, 1831, or until February 24th, 1836, and then he would be entitled to a grant in fee simple--that is the Government would give him a deed to the land and it would be his to do with as he pleased. The last clause says that-"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is-if a Choctaw stayed here in Mississippi and took land, that by doing so he did not lose the privilege of a Choctaw citizen but if he should ever remove to the new country west of the Mississippi River, he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaw Indians out in Indian Territory each year under treaty provisions.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not so far as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty was made? A Not so far as I know of.

Q Did any of them live here at that time? A Not so far as I know of.

Q Were any of them recognized members of the Choctaw Tribe of Indians here 70 years ago? A I don't know.

Q Did any of them within six months after this treaty was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States? A I don't know about that.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not so far as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not so far as I know of.

Frank Hearon---4

Q Did any of them ever get any land under any other article of that treaty or under the supplement? A Not so far as I know of.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A No sir.

Q Did you ever hear of any of them having gotten any money from the Government? A No sir.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw Tribe or did any of them ever receive any benefits as such? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States. This was in 1831, over 70 years ago. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837 providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings. So another act was passed, which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not so far as I know of.

The act of Congress approved August 25, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14

Frank Hearon--8

of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in place of that land, land some place else here in Mississippi, in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government? A Not so far as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A So far as I know there are none living.

Q Do you know any old person living who would be able to testify as to your being possessed of Choctaw blood? A The Cartledges.

Q What are their names? A Eli and Sam.

Q What is their postoffice address? A Poplar Creek, Mississippi.

Q What do you think they know about your having Choctaw blood?

A They said my mother had Indian blood.

Q You have no witnesses here today, have you? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the general office of the Commission in Muskegee, Indian Territory, and their testimony will be taken.

Q Have you any written evidence of any kind to offer? A No sir.

Q Are you a brother of James S. Hearon who just appeared before the Commission? A Yes sir.

Q Have you any other brothers living? A I got three more.

Q What are their names? A Tom, Joe and John.

Q Have any of them been before the Commission? A No sir.

Q Have you any sisters living? A Got two.

Q What are their names? A Emily F. Millhouse and Clementine Hearon, she aint married.

Q Has either one of them been before the Commission? A No sir.

Q Are any of your mother's brothers or sisters living? A One brother living and one sister living.

Q What is the name of that brother? A Joe Robinson, lives in Calhoun County, Mississippi.

Q Has he been before the Commission? A Not so far as I know of.

Q What is the name of your mother's sister who is living? A Bettie, I believe.

Q Is she married? A Yes sir.

Q What is her husband's name? A Fed Lucius.

Q Where does he live? A In Webster County, Mississippi.

Q Do you know whether this sister of your mother's has been before the Commission? A Not so far as I know of.

Q Did any of your mother's brothers or sisters who are now deceased leave children? A Not so far as I know of.

This applicant has the appearance of being a white man-



Frank Hearen--6

shows no indications of being possessed of Indian blood.  
He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chicago, Mississippi, December 31st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 4th day of January, 1902,  
at Natchez, Mississippi.

L. B. Mosley  
Clerk U. S. Circuit Court, Northern  
District of Mississippi.

By J. M. M. Deputy.

COPI

Muskogee, Indian Territory, October 8, 1902.

Frank Hearon,

Chita, Mississippi.

Dear Sir:-

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4456 |
| Austin L. Hearon,               | M.C.R. 4458 |
| Frank Hearon,                   | M.C.R. 4446 |
| James S. Hearon, et al.,        | M.C.R. 4448 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

V. E. 42.

seventy, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarrah, Andrew Jackson McGarrah, Emily Josephine McGarrah, Henry Marion McGarrah, William Bryan McGarrah, Oliver G. E. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Lucella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Cecile Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED):

James D. Ditty.

Registered.

Acting Chairman.

M.C.R. 4446

COPY.

Waukegan, Indian Territory, February 26, 1903.

Frank Beaton,

Osita, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

SIGNED

James Dixby.

Chairman.



#1592

No. 4446

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

DEC 31 1901

Date

Name Frank Hearon

Age 50

Blood dont know-

Post Office, Chita, Miss.

Father: William Hearon

Mother: Polly "

Claims through mother

(Claims for self only.)

Children:

Applicants dont know name of  
any ancestor except those found  
above.)

Stenographer

Geo. A. Miles

Choctaw MCR 4447

Emily F. Hillhouse

See MCR 4448, 4449, 4450  
4451, 4452, 4455, 4454, 4456  
4453, 4446, 4445, 5410, 5412  
5411

MCR 4447

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---g---

In the Matter of the application of Emily F. Hillhouse, et al., for identification as Mississippi Choctaws, consolidating the applications of-

|                               |             |
|-------------------------------|-------------|
| Emily F. Hillhouse            | M.C.R. 4447 |
| Mary McGarrah, et al          | " 4448      |
| Oliver G. B. Hillhouse, et al | " 4449      |
| Emily F. Pugh, et al          | " 4450      |
| David S. Hillhouse            | " 4451      |
| John F. Hearen, et al         | " 4452      |
| Rosetta Duke, et al           | " 4453      |
| John V. Hearen, et al         | " 4454      |
| William Thomas Hearen, et al  | " 4455      |
| Austin L. Hearen              | " 4456      |
| Frank Hearen                  | " 4457      |
| James S. Hearen, et al        | " 4458      |
| William R. Robertson, et al   | " 5410      |
| William T. Robertson, et al   | " 5411      |
| Joseph M. Robertson, et al    | " 5412      |

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4447

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 31st, 1901.

In the matter of the application of Emily F. Hillhouse for the identification of herself as a Mississippi Choctaw.

Said Emily F. Hillhouse, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Emily F. Hillhouse.
- Q How old are you? A I will be sixty-two the 8th of next January.
- Q How much Choctaw blood have you? A Quarter.
- Q What is your postoffice address? A Chita, Attala County, Mississippi.
- Q How long have you lived in Attala County? A Seven years.
- Q Where did you live before that? A I lived in Choctaw County, Mississippi.
- Q How long did you live there? A I was born and raised there.
- Q Lived there all your life? A No sir, I have moved around some.
- Q Where have you lived besides there? A At Water Valley, and several other places.
- Q Have you lived in this State all your life? A I lived in Memphis, Tennessee three years and a half.
- Q When was it you lived in Memphis, Tennessee? A Lived there in 1894.
- Q Is your father living? A No sir.
- Q What was his name? A William Hearon.
- Q Is your mother living? A No sir.
- Q What was her name? A Polly Robinson.
- Q Robinson was her maiden name, was it? A Yes sir.
- Q Through which one of your parents do you get your Choctaw blood? A My mother.
- Q You claim your mother was a half blood Choctaw? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Did your mother speak or understand the Choctaw language? A She could do it but she didn't.
- Q You are sure she could speak it, are you? A Yes sir.
- Q Did you ever hear her speak the Choctaw language? A Some little.
- Q Did she associate with the Choctaws or with the white people? A With the Choctaws and white people too.
- Q Where did she live during her life time? A In Choctaw County, Mississippi.
- Q Did she live there all her life? A No sir, she went to Texas before she died.
- Q How long has she been dead? A She has been dead about eighteen years.
- Q How long before she died was it she moved to Texas? A Two or three years.
- Q Was she born in Choctaw County, Mississippi? A Yes sir.
- Q Through which one of her parents did she get her Choctaw blood? A Her mother.
- Q What was her name? A Elisabeth.
- Q Was she ever called Betsey? A Yes sir.
- Q What was Betsey's other name? A Robinson.



- Q What was her maiden name? A Robinson.
- Q Did you ever see her? A Yes sir.
- Q Was she a full blood Choctaw Indian? A Yes sir, I reckon so.
- Q You have seen her, have you? A Yes sir.
- Q How old were you when she died, about how old? A About thirty-five I think.
- Q You remember her well, do you? A Yes sir.
- Q How long before she died was it that you saw her? A It wasn't very long.
- Q Did you live near her? A Yes sir, I went to see her buried.
- Q How did she look? A She had black eyes and black hair.
- Q Did she look like a full blood Indian? A Yes sir.
- Q You have seen a good many full bloods? A Yes sir.
- Q Would you be willing to swear that she looked like a full blood Indian? A Yes sir.
- Q Did she speak or understand the Choctaw language? A I reckon so. I couldn't hardly understand her myself.
- Q Your mother's father was a white man, was he? A Yes sir.
- Q Did she have an Indian name? A I don't know.
- Q Where did she live during her life time? A She lived in Choctaw County and died there.
- Q Was she born there? A No sir, I reckon not. She was born in South Carolina.
- Q How old was she when she came from South Carolina to Mississippi? A I don't know.
- Q You never heard? A No sir.
- Q Did you ever hear her say just what kind of Indian blood she had? A Yes sir, I have heard her speak about it a heap.
- Q Did you ever hear her say that she had Choctaw blood? A Yes sir, she was a Choctaw.
- Q Did she associate with the Choctaw Indians? A Yes sir, I have seen them at her house.
- Q Did she speak the same language that these Indians here in Mississippi speak? A I reckon so.
- Q Do you know about it? A I wouldn't be certain about it.
- Q Did you ever hear that she had darkey blood instead of Choctaw blood? A No sir.
- Q Do you know the name of her father? A No sir.
- Q Or her mother? A No sir.
- Q You never saw either one of them? A No sir.
- Q How old would your mother be, do you think, if she were living now? A I think she would be about eighty years old.
- Q How old do you think that your grandmother Betsey would be if she were living now? A About one hundred I reckon. I don't know her age.
- Q Did any of your ancestors ever live in Indian Territory? A No sir, not that I ever heard of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children under twenty-one years of age and unmarried? A No sir.
- Q This application, then, is for yourself only, is that correct? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not that I know of.

Emily F. Hillhouse---3

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir, never did.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Have you ever made any application of any kind before today? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaw Indians lived here in the State of Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. That was seventy years ago and over. The 14th article of the treaty is as follows:-

"Each Choctaw Head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that 14th article? A I reckon so.



Early F. Hillhouse---

- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article?  
A If they ever did I don't know nothing about it.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Were any of them living here at that time, 71 years ago?  
A I reckon they were.
- Q Which one of your Choctaw ancestors do you think was living here 71 years ago? A I reckon my grandmother was living and my mother.
- Q Betsey Robinson and Polly? A Yes sir.
- Q Do you know where they were living at that time? A Up there on Tebicha Creek.
- Q In Choctaw County, Mississippi? A Yes sir.
- Q Do you know whether either of them was a recognized member of the Choctaw Tribe of Indians here at that time? A I don't know about that.
- Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1836?  
A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government for the Choctaws here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States? A I don't know that neither.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I ever heard anything of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.
- Q You never heard, then, of any of your ancestors ever having gotten any land here in Mississippi from the Government? A No sir.
- Q Or any money from the Government? A No sir, I don't think they ever did.
- Q Do you know whether any of them were ever recognized members of the Choctaw Tribe of Indians or ever received any benefits as such? A No sir, I don't know anything about that.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14. That was in 1831 when this Agent was directed to do this. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint

among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 32nd day of February, 1838, they were unable to dispose of but a comparatively small number of these Choctaw cases. So it became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings and another act of Congress was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu of that land which had been sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

Q Do you know any old person living who would be able to testify as to your being possessed of Choctaw Indian blood and the amount of Indian blood you have? A I know two men in Montgomery County by the name of Sam and Eli Cartledge who are very old men and have known my family for a number of years. They might be able to furnish testimony on this point.

Daily F. Hillhouse---6

Q What is the postoffice address of these two men? A Poplar Creek Mississippi.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application they may appear before the Commission at Meridian, Mississippi, between January 15th and February, 1892, next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government under article 14 of the treaty of Dancing Rabbit Creek?

A No.

Q Have you any brothers living? A Yes sir.

Q How many? A Five.

Q Name them? A Joe Hearon, Tom Hearon, James S. Hearon, Frank Hearon and John Hearon.

Q Have any of these brothers been before the Commission? A Two have been here today, James and Frank.

Q Where does Tom live? A He lives in Webster County, Mississippi.

Q Where does Joe live? A Texas.

Q What point? A I don't know, sir.

Q Where does John live? A He lives in Attala County.

Q Have you any sisters living? A One.

Q What is her name? A Clementine.

Q Has she ever been married? A No sir.

Q About how old is she? A Along in the fifties.

Q Have you any brothers or sisters dead? A One sister.

Q Was she grown at the time she died? A No sir, she was a little girl.

Q Are any of your mother's brothers living? A Not that I know of. Perhaps one is living.

Q What is his name? A Joe Robinson.

Q Where did he live when you last heard from him? A In Calhoun County.

Q How long since you have heard from him? A About seven years.

Q You never have heard whether he was living at this time? A No sir.

Q Are any of your mother's sisters living? A She did have one but I don't know whether she is living or not.

Q What is her name? A Elizabeth.

Q What is her husband's name? A Fed Lucius.

Q Where did they live when you last heard of them? A In Webster County.

Q Are any of your mother's brothers or sisters dead? A They are all dead except those two.

Q Did any of the others leave children who are now living? A Yes sir, some of them did. I reckon they are all dead but two. Their names are Will Robinson and I think the girl's name is Emily. The last I heard of them they lived in Walker Yalobusha County, this State.

Q These two are the only two living children of any of your mother's

Emily F. Hillhouse---7

deceased brothers or sisters, is that right? A Yes sir, that is all I know of. I don't know whether they are living or not.

Q Have you any children living? A Yes sir, four.

Q What are their names? A Mollie, Oliver, Frances and David W.

Q They are all here at this time for the purpose of making application? A Yes sir.

Q Which of them are married? A All except David.

Q What is the name of Mollie's husband? A George McGarr.

Q What is the name of Oliver's wife? A Maud.

Q What is the name of your daughter Emily's husband? A David Fugh.

Q Has Oliver's wife any Choctaw blood? A No sir.

Q Has Mollie's husband any Choctaw blood? A Not that I know of.

Q Has Emily's husband any Choctaw blood? A No sir, I reckon not.

Q Have you any children dead? A One.

Q Did that child live to be grown? A No sir, died when it was an infant.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

Ira B. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 31st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 6th day of January, 1902, at Bainburg, Mississippi.

*L. B. Moody*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.



J. F. A.  
C. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Emily F. Hillhouse, et al., for identification as Mississippi Choctaws, consolidating the applications of-

|                               |             |
|-------------------------------|-------------|
| Emily F. Hillhouse            | M.C.R. 4447 |
| Mary McCarah, et al           | " 4448      |
| Oliver G. E. Hillhouse, et al | " 4449      |
| Emily F. Pugh, et al          | " 4450      |
| David E. Hillhouse            | " 4451      |
| John F. Hearon, et al         | " 4452      |
| Rosetta Duke, et al           | " 4453      |
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| William Thomas Hearon, et al  | " 4455      |
| Austin L. Hearon              | " 4456      |
| Frank Hearon                  | " 4457      |
| James S. Hearon, et al        | " 4458      |
| William M. Robertson, et al   | " 8410      |
| William T. Robertson, et al   | " 8411      |
| Joseph M. Robertson, et al    | " 8412      |

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Emily F. Hillhouse for herself; by Mary McCarah for herself and her four minor children, Andrew Jackson, Emily Josephine, Henry Marion and William Bryan McCarah; by Oliver G. E. Hillhouse for himself and his minor child, Albert Hillhouse; by Emily F. Pugh for herself

and her two minor children, Mary E. and Luella Fugh; by David S. Hillhouse for himself; by John F. Hearn for himself and his three minor children, Ella, Granville and Maudie Hearn; by Rosetta Duke for herself and her three minor children, Grover C., Sylvester and William J. Duke; by John V. Hearn for himself and his four minor children, Maggie, Bessie, Ora and Effie Hearn; by William Thomas Hearn for himself and his three minor children, Walter, Annie and Willie Hearn; by Austin L. Hearn for himself; by Frank Hearn for himself; by James S. Hearn for himself and his two minor children, Charlie S. and Mattie Hearn; by William M. Robertson for himself and his six minor children, Daisy L., Cresta, Ocie J., Ollie, Esther and Bertie Robertson; by William T. Robertson for himself and his three minor children, William C., Thomas L. and Thomas M. Robertson; and by Joseph M. Robertson for himself and his three minor children, Lora, Lenna and Alma Robertson, under the following provision of the act of Congress approved June 22, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Elizabeth (or Betsey) (or Bettie) Robinson (or Robertson) (nee Cartledge) (or Cartledge), who is alleged to have been a full blood Cheetaw Indian.

-4-

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Cheatew tribal authorities as a member of the Cheatew tribe, or admitted to Cheatew citizenship by a duly constituted court or committee of the Cheatew Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth (or Betsey) (or Bettie) Robinson (or Robertson) (nee Cartledge) (or Cartledge), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheatew Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Fugh, Mary E. Fugh, India

-4-

Pugh, David S. Hillhouse, John V. Hearn, Ella Hearn, Greenville Hearn, Maudie Hearn, Hestie Duke, Grover G. Duke, Sylvester Duke, William J. Duke, John V. Hearn, Maggie Hearn, Beattie Hearn, Ora Hearn, Effie Hearn, William Thomas Hearn, Walter Hearn, Annie Hearn, Willie Hearn, Austin L. Hearn, Frank Hearn, James S. Hearn, Charlie B. Hearn, Mattie Hearn, William M. Robertson, Daisy L. Robertson, Cecile Robertson, Edie J. Robertson, Gillie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lara Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*Tamie Dixey.*

Acting Chairman.

*E. D. Haddock.*

Commissioner.

Muskogee, Indian Territory,

Commissioner.

OCT -8 1902



Muskogee, Indian Territory, February 1, 1902.

David L. D. Hillhouse,  
Ohta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 28, inquiring if certain depositions of S. V. and E. P. Cartledge forwarded by you to the Commission had been received.

In reply to your letter you are advised that it does not appear that any depositions have been offered for filing in support of the application of your wife, Emily F. Hillhouse, for identification as a Mississippi Choctaw. If you desire to offer any additional evidence in support of your wife's claim, the Commission will hear the testimony of such witnesses as present themselves in her behalf at its office in Meridian, Mississippi, prior to February 15, 1902. If you cannot secure the personal attendance of these witnesses on any ground, which under the rules of the Commission would constitute inability, their depositions will be reconsidered if taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws.

S.D.L.D.H.

A copy of said rules and regulations is inclosed herewith  
for your information.

Yours truly,

Acting Chairman

Rules for taking  
depositions.

HO 4447

Miss. Choc. R 4447.

Muskogee, Indian Territory, February 25, 1902.

David D. Hillhouse,

Chita, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing interrogatories to be propounded to Samuel Victor Cartledge and Eli Page Cartledge in the matter of the application for identification as a Mississippi Choctaw of Emily F. Hillhouse.

The same are returned to you herewith with the information that the Commission cannot issue commissions for the taking of the depositions of these witnesses in support of the application of your wife for identification as a Mississippi Choctaw, for the reason that the same have not been prepared and presented in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, adopted November 4, 1901, a copy of which is enclosed you herewith for your information.

It will be necessary in the event that there are two witnesses whose depositions it is desired to take, that interroga-

P D H 3

series be prepared in duplicate.

It is also necessary that proof of service of notice upon the Choctaw and Chickasaw Nations be submitted to the Commission before a commission can issue for the taking of such depositions.

You are advised that the legal representatives of the Choctaw Nation are Messrs. Mansfield, Murray & Cornish, Attorneys at Law, South McAlester, Indian Territory.

Yours truly,

Commissioner in Charge.

Enc 7 43

Miss. Choctaw 4447

Muskogee, Indian Territory, May 3, 1902.

D. L. D. Hillhouse,  
Chita, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 29, in which you state that you can secure no further evidence as to the Indian blood of Elizabeth Robertson, and you ask if anything else is necessary to be done in the matter of the application of your wife, Emily P. Hillhouse, for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your wife's right as a Mississippi Choctaw. As soon as a decision is reached she will be notified of the action of the Commission.

The Commission cannot take up and pass upon the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.



Miss. Choctaw 4447

Muskogee, Indian Territory, May 6, 1902.

Wm. J. Davis,

Air Mount, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 1, in which you ask if S. V. Cartledge or Mrs. Emily Hillhouse have established their claims. You also mention the names of your brothers and sisters, and wish to know what procedure is necessary in order to present your claim as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that Emily F. Hillhouse, of Chita, Mississippi, daughter of William and Polly Hearn, has applied to this Commission for identification as a Mississippi Choctaw, but no decision has yet been reached nor opinion rendered relative to her rights as such Mississippi Choctaw. It does not appear that any application for identification as a Mississippi Choctaw has been made by S. V. Cartledge.

If you desire to present a claim as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory.

E.J.D. 2

Article fourteen of the Treaty of 1830, referred to above,  
provided:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent, within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

If it is your intention to present a claim for identification as a Mississippi Choctaw, it is suggested that you do so as early as practicable.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4447

Muskogee, Indian Territory, October 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emily F. Hillhouse, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Pugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4455 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4456 |
| Austin L. Hearon,               | M.C.R. 4453 |
| Frank Hearon,                   | M.C.R. 4446 |
| James S. Hearon, et al.,        | M.C.R. 4445 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph H. Robertson, et al.,    | M.C.R. 5411 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by



Sec. - 2

letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*James P. P. P.*  
Acting Chairman.

Through the Commissioner  
Of Indian Affairs.

1 enclosure.

COPY

K.C.R. 4447

Muskogee, Indian Territory, October 8, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | K.C.R. 4447 |
| Mary McGarrah, et al.,          | K.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | K.C.R. 4449 |
| Emily F. Pugh, et al.,          | K.C.R. 4450 |
| David S. Hillhouse,             | K.C.R. 4451 |
| John F. Hearon, et al.,         | K.C.R. 4452 |
| Rosetta Duke, et al.,           | K.C.R. 4455 |
| John V. Hearon, et al.,         | K.C.R. 4454 |
| William Thomas Hearon, et al.,  | K.C.R. 4456 |
| Austin L. Hearon,               | K.C.R. 4453 |
| Frank Hearon,                   | K.C.R. 4446 |
| James S. Hearon, et al.,        | K.C.R. 4445 |
| William M. Robertson, et al.,   | K.C.R. 5410 |
| William T. Robertson, et al.,   | K.C.R. 5412 |
| Joseph M. Robertson, et al.,    | K.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh,

eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McCarah, Andrew Jackson McCarah, Emily Josephine McCarah, Henry Marion McCarah, William Bryan McCarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie S. Hearon, Mattie Hearon, William K. Robertson, Daisy L. Robertson, Grene Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph K. Robertson, Lera Robertson, Jenna Robertson, and Alma Robertson, as Cheataw Indians entitled to rights in the Cheataw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time as to such action as may be taken by him.

Respectfully,

(SIC)

Acting Chairman:

Wakarusa, Indian Territory, October 8, 1902.

Emily F. Hillhouse,  
Chita, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                  |             |
|----------------------------------|-------------|
| Emily F. Hillhouse,              | H.C.R. 4447 |
| Mary McGarrah, et al.,           | H.C.R. 4448 |
| Oliver G. B. Hillhouse, et al.,- | H.C.R. 4449 |
| Emily F. Fugh, et al.,           | H.C.R. 4450 |
| David B. Hillhouse,              | H.C.R. 4451 |
| John F. Hearon, et al.,          | H.C.R. 4452 |
| Rosetta Duke, et al.,            | H.C.R. 4453 |
| John V. Hearon, et al.,          | H.C.R. 4454 |
| William Thomas Hearon, et al.,   | H.C.R. 4455 |
| Austin L. Hearon,                | H.C.R. 4456 |
| Frank Hearon,                    | H.C.R. 4457 |
| James B. Hearon, et al.,         | H.C.R. 4458 |
| William M. Robertson, et al.,    | H.C.R. 5410 |
| William T. Robertson, et al.,    | H.C.R. 5412 |
| Joseph M. Robertson, et al.,     | H.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh,

X. F. H. 2

eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Cecile Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William G. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lora Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

*James D. Kirby*

Acting Chairman.

Registered.



C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

60713-1902

Washington,

December 22, 1902

The Honorable

The secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws, of the following parties, wherein a decision adverse to the claimants was rendered October 8, 1902:

Emily P. Hillhouse for herself; Mary McGarrah for herself and four children, Andrew Jackson, Emily Josephine, Henry Marien and William Bryan McGarrah; Oliver G.B. Hillhouse for himself and child, Albert Hillhouse; Emily P. Pugh for herself and two children, Mary E. and Luella Pugh; David S. Hillhouse for himself; John F. Hearon for himself and three children Ella, Granville and Maudie Hearon; Rosetta Duke for herself and three children Grover C., Sylvester and William J. Duke; John V. Hearon for himself and four children, Maggie, Bessie, Ora and Effie Hearon; William Thomas Hearon for himself and three children, Walter, Annie and Willie Hearon; Austin L. Hearon for himself; Frank Hearon for himself; James S. Hearon

for himself and two children Charlie B. and Mattie Hearon; William M. Robertson for himself and six children, Daisy L., Cecile, Odie J., Ollie, Esther and Bertie Robertson; William T. Robertson for himself and three children, William O., Thomas L. and Thomas H. Robertson, and by James M. Robertson for himself and three children Lera, Lenna and Alma Robertson.

It appears from the testimony in this case that the applicants base their claims to identification as Mississippi Choctaws by reason of their descent from Elizabeth (Betsy) Robinson or Robertson, nee Cartledge or Cartlidge.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Elizabeth (Betsy) Robinson or Robertson, nee Cartledge or Cartlidge, or any of the applicants themselves, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or that there are so shown the names of any of their ancestors less remote.

An examination of the records of this office discloses the fact that the name of Elizabeth (Betsy) Robinson, nee Cartledge or Cartlidge, is not among the names of those Choctaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of their descendants, and the office recommends

-3-

that the finding of the Commission rejecting the parties be approved.

Very respectfully

W. A. Jones

Commissioner

B.B.H.



COPY

D.C. 1898

DEPARTMENT OF THE INTERIOR

J.W.N

I.T.D. 8086-1902

WASHINGTON

THE

L.R.S

February 13, 1903

Commission to the Five Civilized Tribes

Muskogee, Indian Territory

Gentlemen:-

October 2, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Emily F. Hillhouse (M.C.R. 4447), Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G.B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Mandie Hearon, Mesetta Duke, Grever C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie E. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Crecia Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lara Robertson, Leana Robertson, and Alma Robertson, including your decision of the same date refusing to identify them as such.

These applicants are the descendants in the first, second and third degrees of Mrs. William Keaton, whose maiden name was Polly Robinson. She was a half blood Choctaw and was born in Choctaw country, Mississippi, where she lived during the greater part of her life. Her mother was a Mrs. Joseph Robinson (or Robertson) formerly Elizabeth (or Sarah or Nancy) Garlidge, also spelled Garlidge. The latter, who was a full blood Choctaw, was born in South Carolina and removed from there to Mississippi. Both of said women while living in that state, resided near Hobbs Creek, Choctaw county.

The testimony as furnished by the records fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the Treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the Government in your possession as well as those at the Indian Office fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter December 22, 1902, the Commissioner of Indian Affairs recommended that your decision be

-2-

approved. A copy of his letter is inclosed.

The Department concurs therein and your decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure

M.C.R. 4447

COPY.

Muskogee, Indian Territory, February 26, 1903.

Manfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

Gentlemen:

You are hereby notified that on the 18th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

COPY.

Muskogee, Indian Territory, February 28, 1903.

Emily F. Willhouse,  
 Saita, Mississippi.

Dear Madam:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Board affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Willhouse, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

Sincerely,

*Fame Bixby.*

Chairman.



Elizabeth,  
Betsy, or  
Bettie Cartledge, <sup>was</sup>  
married  
Joe Robinson

Polly Robinson <sup>12 Dec</sup>  
married  
William Aaron

<sup>mch  
4447</sup>  
Emily F. Aaron 61. 1/4  
married  
D. L. D. Hillhouse, L

Joe Aaron

Tom Aaron

Clementine Aaron

<sup>mch  
4446</sup>  
Frank Aaron, 50

<sup>mch  
4448</sup>  
Mary Hillhouse 31. 1/8  
<sup>married</sup>  
George M. M. Garah

<sup>mch  
4449</sup>  
Oliver G. B. Hillhouse, 28 1/2  
<sup>wife</sup>  
Maud Hillhouse

<sup>mch  
4450</sup>  
Emily F. Hillhouse 25 1/8  
<sup>married</sup>  
David L. Pugh

<sup>mch  
4451</sup>  
David S. Hillhouse 21 1/8

<sup>mch  
4445</sup>  
Andrew Jackson M. Garah, 9  
Emily Josephine M. Garah, 6  
Henry Marion M. Garah, 4  
William Bryan M. Garah, 23 1/2

<sup>mch  
4444</sup>  
Albert Hillhouse 4 mo

<sup>mch  
4450</sup>  
Mary E. Pugh, 4  
Luella Pugh, 23 mo

"Note": applicants on pages 1 & 2, this consolidation,  
show ancestors name as "Robinson", others  
claim "Robertson"

Elizabeth,  
 Betsey, or  
 Bethe Cartledge, <sup>full</sup> <sub>id</sub>  
 married  
 Joe Robinson

Polly Robinson <sup>full</sup> <sub>id</sub>  
 married  
 William Heaton, <sup>deu</sup>

mck  
 4452  
 John F. Heaton 53 1/2  
 wife

- ① Mary Heaton, dead
- ② Mary Elizabeth Heaton,

mck  
 4445  
 James S. Heaton 49 1/2  
 wife  
 Melvina Heaton, w.

mck  
 4455  
 Reatta Heaton, 32 1/2  
 married  
 Andrew J. Duke

mck  
 4454  
 John V. Heaton, 31 1/2  
 wife  
 Bettie Heaton,

mck  
 4456  
 William T. Heaton, 28 1/2  
 wife  
 Mattie Heaton

mck  
 4453  
 Austin L. Heaton, 19 1/2  
 wife  
 Rosie Heaton

mck  
 4452  
 Ella Heaton, 16  
 " Granville Heaton, 14  
 " Mandie Heaton, 10

mck  
 4446  
 Charlie B. Heaton, 7  
 wife  
 Mattie Heaton, 1

mck  
 4455  
 Grover C. Duke 12  
 " Sylvester Duke 10  
 " William J. Duke 7

mck  
 4454  
 Maggie Heaton 7  
 " Bessie Heaton, 5  
 " Ora Heaton, 4  
 " Effie Heaton, 1

mck  
 4456  
 Walter Heaton 8  
 " Annie Heaton 5  
 " Willie Heaton, 2

Betty Cartridge & Joseph Robertson <sup>deceased</sup>  
 married  
 Joseph Robertson

Joseph Robertson <sup>deceased</sup>  
 wife  
 Mary E. Robertson L.

MCR  
 5410  
 William M. Robertson 48  
 wife  
 Sarah Robertson

MCR  
 5411  
 Joseph M. Robertson 30  
 wife  
 Louella Robertson

Henry W. Robertson  
 James Robertson

MCR  
 5412  
 William T. Robertson, 29  
 wife  
 Fredonia Robertson

William Marion Robertson

Henry O. Robertson

MCR  
 5413  
 Daisy L. Robertson 18  
 Crecie Robertson, 14  
 Odie J. Robertson, 12  
 Ollie Robertson, 10  
 Esther Robertson, 7  
 Bertie Robertson, 4

MCR  
 5414  
 Lura Robertson 6  
 "Lenna Robertson 4  
 "Alma Robertson, 10m

MCR  
 5415  
 William O. Robertson, 8  
 "Thomas L. Robertson, 7  
 "Thomas H. Robertson, 3



Bertie Carthidge &  
married  
Joseph Robertson.

Joseph Robertson, dead  
wife  
Mary E. Robertson

Margaret E. Robertson  
married  
Respers.

Emily J. Robertson &  
married  
Coffer

Delia Coffer  
Jimmie Coffer  
Dona Coffer  
Gola Coffer  
Ellison Coffer  
Leander Coffer

Elizabeth Robertson &  
married  
Shepherd

Lillie M. Shepherd

John C. Robertson

Emily Jane Robertson  
married  
Davis

Levona Robertson  
married

Lewis Jackson

George W. Robertson

John C. Robertson

Jackson

Bethie Carthledge 2  
married  
Joseph Robertson

Emily Robertson  
married  
Tabbs

Elizabeth Robertson  
married  
Lucius

John Tabbs

Anthony Tabbs

Taylor Tabbs

Joseph Tabbs

No. 4447

For Identification as a Mississippi Choctaw.

Carthage, Miss

Date DEC 31 1901

Name

Emily F. Stillhouse

Age

61

Blood

$\frac{1}{4}$

Post Office

Chita, Miss.

Father:

William Stearon d.

Mother:

Polly " d.

Claims through

mother

(Claims for self only).

Children:

(mother of Polly was  
Betsey Robinson f.b.d.)

Stenographer

J. S. [Signature]

Choctaw MCR 4448

Mary Mc Garrah

See MCR 4447

MCR 4448

4448

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, January 1st, 1902.

In the matter of the application of Mary McGarah for the identification of herself and her four minor children, Andrew J., Emily J., Henry M., and William B., as Mississippi Choctaws.

Said Mary McGarah, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary McGarah.  
Q How old are you? A Thirty-one.  
Q How much Choctaw blood have you? A One eighth.  
Q What is your postoffice address? A Chita, Attala County, Mississippi.  
Q How long have you lived in Attala County? A About seven years.  
Q Where did you live before that? A In Memphis, Tennessee.  
Q How long did you live in Memphis? A Well, off and on about three years I believe.  
Q Where did you live before that? A Went from Water Valley, Mississippi.  
Q How long did you live in Water Valley? A I don't know exactly.  
Q About how long? A About fifteen years.  
Q Where did you live before that? A In Webster County.  
Q Were you born in Webster County, Mississippi? A Yes sir.  
Q Did you ever live in Indian Territory? A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A D.L.D. Hillhouse.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Emily F. Hillhouse.  
Q Through which one of your parents do you derive your Choctaw blood? A Mother.  
Q Is the Emily F. Hillhouse who appeared before the Commission yesterday at this place your mother? A Yes sir.  
Q Your father is a white man and has no Choctaw blood? A No sir.  
Q Has your mother always lived here in the State of Mississippi?  
A Yes sir, always, except about three years she lived in Memphis.  
Q Through which one of her parents did she derive her Choctaw blood?  
A Her mother.  
Q What was her name? A Polly Mason.  
Q Is she living? A No sir.  
Q About how old would Polly be if she were living now? A Well I don't know exactly.  
Q Give us an idea? A About eighty-two, I believe.  
Q Did she live in Mississippi all her life? A Yes sir, all except what time she was in Texas. She died in Texas.  
Q When did she die? A I don't know what year.  
Q Do you know about when it was? A About seventeen or eighteen years ago, I think.  
Q How long had she lived out there? A I don't know how many years exactly.  
Q She was born here in this State and lived here until she moved to Texas? A Yes sir.  
Q Did she have a Choctaw name? A I don't know about that.  
Q Did she speak or understand the Choctaw language? A I don't know sir.



Mary McGarah et al---2

- Q Does your mother speak or understand the Choctaw language? A No sir.
- Q Do you? A No sir.
- Q Through which one of her parents did Polly Hearn derive her Choctaw blood? A Her mother.
- Q What was her name? A Bettie Robinson.
- Q Did you ever see Bettie? A No sir. married
- Q Was Robinson her maiden name? A It was her ~~maiden~~ name.
- Q Do you know what her maiden name was? A No sir.
- Q According to your testimony Bettie must have been a full blood Choctaw Indian, is that your understanding? A Yes sir.
- Q What makes you think she was a full blood Choctaw Indian?
- A That is what the old folks said.
- Q Where did she live? A Choctaw County, Mississippi.
- Q How long has she been dead? A I don't know.
- Q Was she born there in Choctaw County? A I don't know.
- Q Did you ever hear where she was born? A I believe I heard my mother say she was born in South Carolina.
- Q You don't know how old she was when she came to Mississippi?
- A No sir.
- Q After she came here to Mississippi did she ever move away? A No sir, she stayed here until she died.
- Q What part of the State did she live in? A In Webster County.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q What is your husband's name? A George M. McGarah.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children living? A Yes sir, four.
- Q What are their names and ages? A Andrew Jackson.
- Q How old is Andrew Jackson? A Nine years old.
- Q Next one? A Emily Josephine.
- Q How old is she? A Six years old.
- Q Next one? A Henry Marion.
- Q How old is he? A Four years old.
- Q Next one? A William Bryan.
- Q How old? A Twenty-three months old.
- Q Are these children all living with you at this time? A Yes sir.
- Q Are they all four the children of yourself and George M. McGarah?
- A Yes sir.
- Q This application, then, is for yourself and four minor children, is that correct? A Yes sir.
- Q Is your name or the name of either one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir, never did.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever made any application of any description before today for yourself or any of these children? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek for yourself and these four children? A Yes sir.

Mary McGarrah, et al---3

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Not exactly.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think, now, that you understand that? A Yes sir.

Q You said it explained fully to your mother Emily P. Hillhouse last year, did you not? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not that I ever heard of.

Q Were any of them living here at that time in the old Choctaw Nation? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know that either.

Mary McFarrah et al.—4

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A Not that I know anything about.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the United States here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that ever I heard of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A Not that I ever heard of.

Q Did any of your ancestors ever get any land here in Mississippi from the Government of the United States? A No sir.

Q Did any of them ever get any money from the Government? A Not that ever I heard of.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A Yes sir, the elder heads were.

Q Do you know about that—whether they were or not? A No sir, I don't know.

Q What makes you think the elder persons were? A Well, they all claimed to be.

Q You mean they all claimed to have Choctaw blood? A Yes sir.

Q So far as living among the Choctaw Indians themselves and being recognized members of that Tribe, did you ever hear that any of them were? A I don't know that I ever did.

Q Did any of them ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Did you ever see or hear of any deed or patent issued to any one of your ancestors by the Government of the United States covering land here in Mississippi? A No sir, I never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and on this account the Government at its public land sales here in Mississippi, when all these Indian lands were sold, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to



Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases and it therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings; so, another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that ever I heard of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of this land, land some place else here in Mississippi, or in Alabama, Arkansas or Louisiana, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir, not that ever I heard of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know any old person or persons living who would be able to testify as to the amount of Choctaw blood possessed by you? A No sir I don't. These two Garlidges are all I know about.

Q They are the same two persons referred to in your mother's testimony, are they? A Yes sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear

Mary McGarrah et al---8

before the Commission at Meridian, Mississippi, between January 18th and February 18th next or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A Yes sir.  
Q How many? A Two.  
Q What are their names? A Oliver Hillhouse and David E. Hillhouse.  
Q Have you any sisters living? A One.  
Q What is her name? A Emily F. Fugh.  
Q Where does she live? A In Attala County.  
Q Have you any brothers or sisters dead? A No sir, I had an infant sister who died.  
Q Has your mother any brothers living? A Yes sir.  
Q How many? A Five.  
Q What are their names? A Joe Hearon, Tom, John, James S., and Frank Hearon.  
Q Has your mother any sisters living? A One.  
Q What is her name? A Clementine.  
Q Is she married? A No sir.  
Q Was she ever married? A No sir.  
Q Has your mother any brothers or sisters dead? A One sister I believe.  
Q Did she die in infancy? A Yes sir.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, January 1st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 6th day of January, 1902, at Edinburg, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

COPY:

M.C.R. 4440

Muskogee, Indian Territory, October 8, 1902.

Mary McGarrah,

Chita, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily E. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaw:

|                                 |             |
|---------------------------------|-------------|
| Emily E. Hillhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily E. Fugh, et al.,          | M.C.R. 4450 |
| David B. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4455 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4456 |
| Austin L. Hearon,               | M.C.R. 4453 |
| Frank Hearon,                   | M.C.R. 4446 |
| James S. Hearon, et al.,        | M.C.R. 4445 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Harish McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary R. Pugh, Luella Pugh, David S. Hillhouse, John V. Hearon, Ella Hearon, Granville Hearon, Handie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Gracie Robertson, Odie F. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lora Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

SIGNED

*Tamie Kirby*

Acting Chairman.

Register.

COPY.

M.C.R. 4448

Washington, Indian Territory, February 24, 1903.

Mary Edwards,

Chick, Mississippi.

Dear Madam:

You are hereby notified that on the 15th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily P. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

*Tame Dixby.*

Chairman.

#1594

No.

4148

For Identification as a Mississippi Choctaw.

Cathay, Miss.

Date JAN 1 1902

Name

Mary McGarak

Age

31

Blood

78

Post Office,

Chita, Miss.

Father: D. L. D. Stillhouse

L

Mother: Emily F. Stillhouse

L

Claims through mother.

Husband Geo. M. McGarak

L

(No claim for husband.)

(Claims for self and 4 minor children)

Children:

Andrew J. McGarak

9

Emily J. "

6

Henry M. "

4

William B. "

1

(Mother of Emily = Polly Aaron (1/2))

" " Polly = Betty Robinson (free)

Stenographer

J. L. ...



Choctaw MCR 4449

Oliver G. B. Hillhouse

See MCR 4447

MCR 4449

4449

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, January 1st, 1902.

In the matter of the application of Oliver G. B. Hillhouse  
for the identification of himself and his minor child, Albert, as  
Mississippi Choctaws.

Said Oliver G. B. Hillhouse, being first duly sworn, tes-  
tified as follows:-

Examination by the Commission.

- Q What is your name? A Oliver G. B. Hillhouse.  
Q How old are you? A Twenty-nine the 28th of next March.  
Q How much Choctaw blood have you? A One-eighth.  
Q What is your postoffice address? A Chita,  
Attala County, Mississippi? A Yes sir.  
Q How long have you lived in Attala County? A Seven years.  
Q Where did you live before that? A I lived at Water Valley,  
Mississippi.  
Q Where did you live before that? A Webster County, Mississippi.  
Q How long have you lived there? A I was born there.  
Q You never have lived, then, outside of the State of Mississippi?  
A Yes sir.  
Q Where? A Lived in Memphis, Tennessee.  
Q When? A Seven years ago.  
Q How long did you live there? A About three years I reckon.  
Q Did you ever live in Indian Territory? A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A D.L.D. Hillhouse.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Emily F. Hillhouse.  
Q Through which one of your parents do you derive your Choctaw  
blood? A My mother.  
Q She is a quarter blood, then, is she? A Yes sir.  
Q Does she speak or understand the Choctaw language? A No sir.  
Q Do you? A No sir.  
Q About how old is your mother? A About sixty-two.  
Q Is she the Emily F. Hillhouse who appeared before the Commission  
at this place yesterday and made application in her own behalf?  
A Yes sir.  
Q Through which one of her parents did she derive her Choctaw blood?  
A Her mother.  
Q What was her name? A Polly Robinson.  
Q Did you ever see your mother's mother? A No sir.  
Q According to your statement she was a half blood Choctaw?  
A Yes sir.  
Q Through which one of her parents did she get her Choctaw blood?  
A From her mother.  
Q What was her name? A She was a Cartledge, I think.  
Q Cartledge or Robinson? A I don't know.  
Q Has your mother always lived here in this State? A Yes, all  
except three years.  
Q Where did she live then? A In Memphis, Tennessee.  
Q Did her mother always live in this State? A Yes sir, I think  
so.  
Q Did her grandmother always live in this State? A No sir, I  
don't think she did.



Oliver G. B. Millhouse et al---2

- Q Where else did she live? A I couldn't tell you.  
Q You don't know about that? A No sir.  
Q You don't know anything about your Choctaw ancestors then further back than your mother? A That's all.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Maud.  
Q Has she any Choctaw blood? A No sir.  
Q You make no claim for her then? A No sir.  
Q Have you many children? A Yes sir.  
Q How many? A One.  
Q What is that child's name? A Albert.  
Q Were you married under a license? A Yes sir.  
Q Where did you get your license? A Koscusko.  
Q County seat of Attala County? A Yes sir.  
Q When did you get it? A Seven years ago.  
Q Who married you? A A man by the name of John Wallace.  
Q What official position did he hold at that time? A A preacher.  
Q Where were you married? A In Attala.  
Q At what place? A At Fletcher Adams' farm.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Maud for use in the consideration of the application you make in behalf of your minor child. You will be allowed a reasonable time in which to submit this evidence but the Commission would be glad to have you furnish it within thirty days if it is possible for you to do so.

- Q How old is Albert? A Four months old.  
Q He is living at this time, is he? A Yes sir.  
Q Is he the child of yourself and Maud Millhouse? A Yes sir.  
Q Have you been married more than once? A No sir.  
Q Has your wife been married more than once? A No sir.  
Q This application is for yourself and one minor child, is that correct? A Yes sir.  
Q Is your name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know, sir.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.  
Q Did anyone else ever make such an application for you? A No sir.  
Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.  
Q Have you ever made any application of any kind before today? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I think I do.  
Q You have heard it explained several times here in the examination of other applicants, have you not? A Yes sir.  
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under that article? A No sir.

Oliver G. B. Hillhouse et al---3

Q Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.

Q Were any of them living here at that time? A I couldn't tell you.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A No sir.

Q Do you know about that? A No sir, I don't know about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other article of that treaty or under the supplement to that treaty? A No sir.

Q You never heard, then, of any of your ancestors ever having gotten any land here in Mississippi from the Government? A No sir.

Q Or any money? A No sir.

Q Were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A Yes sir, I think so.

Q How were they recognized? A Well, I couldn't hardly tell you. I got hearsay talk.

Q What do you mean by their being recognized members of the Tribe?

Q Well, All I have ever heard about it- I have heard them talking and claim that she was a Choctaw Indian.

Q Who? A My mother.

Q You mean by being recognized members of the Tribe, then, that they had Choctaw blood? A Yes sir.

Q You don't know that any of your ancestors were ever admitted to citizenship in the Choctaw Nation or were ever recognized by the Choctaw Tribal authorities as members of the Tribe? A No sir.

Q Did any of them ever live in Indian Territory? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the

Oliver G. B. Hillhouse et al---4

Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Did you ever hear of or see any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any old person living who would likely be informed as to the amount of Choctaw blood possessed by you? A No sir, none but the Cartledges.

Oliver G. B. Hillhouse et al--S

Q Sam and Eli Cartledge, the same persons referred to in your mother's testimony? A Yes sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Meridian, Mississippi, between January 12th and February 15th, next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes sir.

Q How many? A One.

Q What is his name? A David Sloan Hillhouse.

Q Where does he live? A In Attala County.

Q He is here today for the purpose of making application?

A Yes sir.

Q Have you any sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Mary McGarrah and Emily F. Pugh.

Q Have you any brothers or sisters dead? A One sister.

Q Was she grown at the time of her death? A No sir, she was an infant.

Q Are any of your mother's brothers or sisters living? A Yes sir.

Q How many brothers? A Five.

Q What are their names? A Joe, Tom, James S., Frank and John.

Q Has she any sisters living? A Yes sir.

Q How many? A One.

Q What is her name? A Clementine.

Q What is the surname of these brothers and sisters? A Hearon.

Q Are any of your mother's brothers or sisters dead? A One sister I think.

Q Was she grown at the time of her death? A No sir, I think she was nine or ten years old.

This applicant has the appearance of being a white man. He shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, January 1st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken at said proceedings on said date.

*Ira S. Miles*

Subscribed and sworn to before me this the 7th day of January, 1902,



Oliver G. B. Hillhouse et al---

at Natchez, Mississippi.

MAILED

*[Handwritten signature]*

Humboldt, Indian Territory, February 11, 1902.

Oliver B. H. HILLMAN,  
Principal,  
Humboldt, Indian Territory.

Receipt is hereby acknowledged of marriage certificate and  
baptismal records of Oliver H. Hillman and Mary Gertrude Moore, which you offer for  
filing in support of your application for the identification of  
yourself and your minor children as H. H. Hillman and Mary Gertrude Moore. This case  
has been made a part of the record in this case and will receive con-  
sideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MO 4449

COPY

Muskogee, Indian Territory, October 8, 1902.

Oliver G. B. Hillhouse,  
Chita, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John F. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4455 |
| Austia M. Hearon,               | M.C.R. 4456 |
| Frank Hearon,                   | M.C.R. 4457 |
| James M. Hearon, et al.,        | M.C.R. 4458 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 20, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article Fourteen of the treaty between the United States

and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarrah, Andrew Jackson McGarrah, Emily Josephine McGarrah, Henry Marion McGarrah, William Bryan McGarrah, Oliver G. R. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary R. Pugh, Lucella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maude Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willis Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Grace Robertson, Odie J. Robertson, Ollie Robertson, Kather Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas J. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lora Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

Acting Chairman.

Register.



M.C.R. 4449

COPY.

Washago, Indian Territory, February 25, 1903.

Oliver G. B. Hillhouse,

Chita, Washago.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

James Birby,  
Chairman.

#1595

No. 4149

For Identification as a Mississippi Choctaw.  
*Carthage, Miss.*

Date JAN 1 1902

Name Oliver G. B. Stillhouse

Age 28

Blood 1/8

Post Office, Chita, Miss.

Father: D. L. D. Stillhouse

L

Mother: Emily F

L

Claims through mother.

Wife

Maud Stillhouse  
(no claim for her)

L

(Claims for self &amp; one child.)

Children:

Albert Stillhouse

4 mo

(Mother of Emily - Polly Hecaron

(1/2)

J

Mother of Polly - Betsey Robinson

fall

S

Stenographer

J. L. Baker

Choctaw MCR 4450

Emily F. Pugh

See MCR 4447

MCR 4450

4450

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, January 1st, 1902.

In the matter of the application of Emily F. Pugh for the identification of herself and two minor children, Mary E., and Lullie, as Mississippi Choctaws.

Said Emily F. Pugh, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name Emily F. Pugh.  
Q How old are you? A Twenty-five.  
Q How much Choctaw blood have you? A One eighth.  
Q What is your postoffice address? A Chita, Mississippi.  
Attala County? A Yes sir.  
Q How long have you lived in Attala County? A About seven years.  
Q Where did you live before that? A In Memphis, Tennessee.  
Q How long did you live there? A About three years.  
Q Where did you live before that? A Water Valley, Mississippi.  
Q How long? A About twelve or thirteen years.  
Q Where did you live before that? A In Webster County, Mississippi.  
Q Were you born there? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A D.L.D. Hillhouse.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Emily F. Hillhouse.  
Q Is she the Emily F. Hillhouse who appeared before the Commission yesterday in her own behalf? A Yes sir.  
Q You claim your Choctaw blood through your mother, then, solely?  
A Yes sir.  
Q You claim she has a quarter Choctaw blood? A Yes sir.  
Q Has she always lived here in Mississippi? A Yes sir, all excepting three years.  
Q Where did she live then? A Memphis, Tennessee.  
Q Through which parent did she get her Choctaw blood? A Her mother.  
Q What was her name? A Pelly Nearen.  
Q What was her maiden name? A Pelly Robinson.  
Q How long has Pelly been dead? A I don't recollect.  
Q Did she always live in Mississippi? A Yes sir.  
Q Did you ever hear of her being in Texas? A Yes sir, she lived in Texas three or four years and died out there.  
Q Does your mother speak or understand the Choctaw language? A No sir.  
Q Do you? A No sir.  
Q Did your grandmother, Pelly? A I have been told that she did but I have never seen her.  
Q Through which one of her parents did she derive her Choctaw blood?  
A From her mother.  
Q What was her mother's name? A Bettie Robinson.  
Q What was her maiden name? A I don't know.  
Q Where did she live? A She lived in Choctaw County, Mississippi.  
Q Where did she live before she came to Choctaw County? A Alabama.  
Q Where did she live before she came to Alabama? A I don't know.

Emily F. Pugh et al---2

- Q She must have been a full blood Choctaw, then? A Yes sir.
- Q Did you ever see her? A I don't recollect her.
- Q How old do you think Pelly would be if she were living now?
- A About eighty-two or eighty-three years old, according to what they say.
- Q How old is your mother? A Sixty-two.
- Q Do you know whether Pelly or her mother were ever recognized members of the Choctaw Tribe of Indians? A No sir, I do not.
- Q Or ever received any benefits as such? A No sir.
- Q Are you married? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q Has your husband been married more than once? A No sir.
- Q What is your husband's name? A David L. Pugh.
- Q Has he any Choctaw blood? A Not as I ever heard of.
- Q You make no claim for him, then? A No sir.
- Q Have you any children? A Two.
- Q What are their names and ages? A Mary E. Pugh, she is four years old.
- Q Next one? A Luella Pugh, twenty-three months old.
- Q Are these children both living at this time? A Yes sir.
- Q Are they the children of yourself and David L. Pugh? A Yes sir.
- Q This application, then, is for yourself and two minor children only? A Yes sir.
- Q Is your name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe or did anyone else ever make such an application for you?
- A Never did myself and never heard of anyone else.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever made any application of any description before today? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes sir.
- Q You have heard it explained several times in the last day or two to applicants? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A No sir, I have not.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, I think not.
- Q Did any of them live here at that time? A I don't know about that.
- Q Were any of them recognized members of the Choctaw Tribe of Indians at that time? A I don't know, sir.
- Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1831 and 1832? A Not as I ever heard of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in



Emily F. Pugh et al---3

Mississippi, for the Choctaws, knew that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know as they did.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under article 14 of the treaty of Dancing Rabbit Creek? A Not as I ever heard of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A No sir.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States? A No sir, not as I ever heard of.

Q Or any money from the Government? A No sir.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors covering land received from the Government of the United States? A No sir.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such? A No sir.

Q Did any of them ever live in Indian Territory? A No sir, not as I ever heard of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to

come down here and finish up this work. This second Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The act of Congress approved August 22, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu of that land, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this act of Congress? A No sir, not as I ever heard of.

Q Do you know of any old person living who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any old person living who would likely be informed as to the amount of Choctaw blood possessed by you? A Yes sir, the two Mr. Cartledges, Eli and Sam.

Q Where do they live? A Montgomery County.

Q They are the same men referred to in the testimony of your mother? A Yes sir.

Q Is that all? A Yes sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes sir.

Q How many? A Two.

Q What are their names? A Oliver G. B. Hillhouse and David S. Hillhouse.

Q Both of them are here today, are they not? A Yes sir.

Q Have you any sisters living? A One.

Q What is her name? A Mary J. McCarah.

Q She is here today? A Yes sir.

Emily F. Pugh et al---6

- Q Have you any brothers or sisters dead? A One sister.  
Q Was she grown at the time of her death? A She was an infant.  
Q Are any of your mother's brothers living? A Five.  
Q What are their names? A Sam, George, Tom, John, Frank and James  
S. Hearon.  
Q Are any of your mother's sisters living? A One.  
Q What is her name? A Clementine Hearon.  
Q Has she ever married? A No sir.  
Q Has your mother any brothers or sisters dead? A One sister dead.  
Q How old was she when she died? A About nine or ten years old.

This applicant has the appearance of being a white woman—  
shows no indications of being possessed of Indian blood.  
She does not speak or understand the Choctaw language.

Ira S. Miles, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all proceedings had in the above entitled cause, heard at Carthage,  
Mississippi, January 1st, 1902, and that the above and foregoing is a  
full, true and correct transcript of his stenographic notes taken  
in said proceedings on said date.

*Ira S. Miles*

Subscribed and sworn to before me this the 7th day of January, 1902,  
at Edinburg, Mississippi.

*L. R. Mosley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.



COPY. M.C.R. 4450

Muskogee, Indian Territory, October 6, 1902.

Emily F. Fugh,

Chita, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John W. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John W. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4455 |
| Austin L. Hearon,               | M.C.R. 4456 |
| Frank Hearon,                   | M.C.R. 4457 |
| James R. Hearon, et al.,        | M.C.R. 4458 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 22, 1898, (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh,

eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McFarah, Andrew Jackson McFarah, Emily Josephine McFarah, Henry Marion McFarah, William Bryan McFarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary B. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover O. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William K. Robertson, Daisy L. Robertson, Cecile Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

*Tamc Kirby*

Acting Chairman.

Register.

COPY.

M.C.R. 4450

Muskogee, Indian Territory, February 26, 1903.

Emily F. Fugh,

Chita, Mississippi.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaw of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Very truly,

James Bixby.

#1596

No. 4150

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

Date JAN 1 1902

Name Emily F. Pugh

Age 25 Blood 1/8.

Post Office, Chita, Miss.

Father: A. L. Hillhouse L

Mother: Emily F. Hillhouse L

Claims through mother.  
husbandDavid L. Pugh L  
(No claim for him)

(Claims for self and 2 children)

Children:

Mary E. Pugh 4

Lulla " 1

(Mother of Emily = Polly Aaron 1/2

" " Polly = Betsey Robinson (just

Stenographer

J. L. Miles

Choctaw MCR 4451

David S. Hillhouse

See MCR 4447

MCR 4451



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, January 1st, 1902.

In the matter of the application of David S. Hillhouse  
for the identification of himself as a Mississippi Choctaw.

Said David S. Hillhouse, being first duly sworn, testified  
as follows:-

Examination by the Commission.

- Q What is your name? A David S. Hillhouse.  
Q How old are you? A Twenty-one.  
Q How much Choctaw blood have you? A One eighth.  
Q What is your postoffice address? A Chita, Attala County, Mississippi.  
Q How long have you lived in Attala County? A About seven years.  
Q Where did you live before that? A I lived at Water Valley, I was in Memphis three years.  
Q Where were you born? A In Yalobusha County.  
Q Is your father living? A Yes sir.  
Q What is his name? A D.L.D. Hillhouse.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Emily F. Hillhouse.  
Q Through which one of your parents do you derive your Choctaw blood? A Mother.  
Q You claim she is a quarter blood, then, do you? A Yes sir.  
Q Is she the Emily F. Hillhouse who appeared before the Commission here yesterday? A Yes sir.  
Q Does she speak or understand the Choctaw language? A No sir.  
Q Do you? A No sir.  
Q Has she always lived here in the State of Mississippi? A All except what time she was in Memphis. She was there about three years.  
Q Through which one of her parents did she derive her Choctaw blood? A Her mother.  
Q What was her name? A I don't recollect it.  
Q Did you ever see her? A No sir.  
Q You don't know anything about her then? A No sir.  
Q Through which one of her parents did she derive her Choctaw blood? A Her mother.  
Q Do you know what her name was? A Robinson.  
Q Is that all you remember? A Yes sir.  
Q You don't know anything about her? A No sir.  
Q You never saw her? A No sir.  
Q You don't know where they lived, your mother's mother and grandmother? A No sir.  
Q Did you ever hear of any of your people ever living in Indian Territory? A No sir.  
Q Are you married? A No sir.  
Q This application, then, is for yourself only, is it? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.  
Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the

David S. Hillhouse---2

act of Congress approved June 10, 1856? A No sir.

Q Have you ever made any application of any kind before today?

A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A I think I understand it.

Q You have heard it explained here several times in the examination of your family? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article?

A No sir.

Q Did any of them own an improvement here in the year 1830 when this treaty was made? A No sir, I don't think they did.

Q Did any of them live here at the time this treaty was made?

A I don't know whether they did or not.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir, I don't think they did.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to the treaty? A No sir, I don't think they did.

Q Did any of them ever receive any land to your knowledge? A No sir.

Q Or any money? A No sir.

Q Were any of your ancestors ever recognized members of the Tribe or did any of them ever receive any benefits as such? A No sir, I think not.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty.

This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of

David S. Hillhouse---3

Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them under the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases; it, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, unless Sam and Eli Cartledge would know.

Q They are the same persons referred to in your mother's testimony? A Yes sir.

Q Do you think they would know whether any of your ancestors complied with these treaty provisions, or not? A I don't know whether they would or not.

Q They are old acquaintances of your family, are they? A Yes.



David S. Hillhouse---4

- Q Do you know of anyone besides them who would likely know as to the amount of Cheetaw blood possessed by you? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A Yes sir.
- Q How many? A One.
- Q What is his name? A Oliver S. B. Hillhouse.
- Q Have you any sisters living? A Two.
- Q What are their names? A Mary J. McGarrah and Emily F. Fugh.
- Q They have all been before the Commission today, have they not? A Yes sir.
- Q Have you any brothers or sisters dead? A I have one sister.
- Q Was she grown at the time of her death? A No sir, she was an infant.
- Q Are any of your mother's brothers living? A Yes sir.
- Q How many? A Five.
- Q What are their names? A Joe, Tom, Frank, James S., and John Hearn.
- Q Has she any sisters living? A One.
- Q What is her name? A Clementine.
- Q Was she ever married? A No sir.
- Q Has your mother any brothers or sisters dead? A She had one sister who died.
- Q Was she grown at the time of her death? A No sir, she was about nine years old.

This applicant has the appearance of being a white man—shows no indications of being possessed of Indian blood. He does not speak or understand the Cheetaw language.

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Ira S. Hiles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, January 1st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Hiles*

Subscribed and sworn to before me this the 7th day of January, 1902, at Natchez, Mississippi.

*L. B. Mosley*  
Notary Public, Natchez, Mississippi

David S. Hillhouse

District of Mississippi.

Muskogee, Indian Territory, October 8, 1908.

David S. Hillhouse,  
Chita, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McGowan, et al.,           | M.C.R. 4448 |
| Oliver O. S. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John F. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4455 |
| Austin L. Hearon,               | M.C.R. 4456 |
| Frank Hearon,                   | M.C.R. 4446 |
| James H. Hearon, et al.,        | M.C.R. 4446 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 23, 1896, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer

oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarrah, Andrew Jackson McGarrah, Emily Josephine McGarrah, Henry Marion McGarrah, William Bryan McGarrah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John P. Hearon, Ella Hearon, Granville Hearon, Kaudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James B. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Greole Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas W. Robertson, Joseph K. Robertson, Lera Robertson, Jenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

*Tamie Dixby*

Acting Chairman.

Register.

M.C.R. 4451

Muskogee, Indian Territory, February 26, 1903.

David S. Hillhouse,

Chick, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

SIGNED,

*Tamie Dixie*



#1597

No. 4151

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

JAN 1 1902

Name David S. Hillhouse

Age 21

Blood  $\frac{1}{8}$

Post Office, Chita, Miss.

Father: D. L. D. Hillhouse

Mother: Emily F. Hillhouse

Claims through mother.

(Claims for self only.)

Children:

(Mother of Emily = Polly Mason  $\frac{1}{2}$ )

" " Polly = Oriley Robinson (Grand)

Choctaw MCR 4452

John F. Heaton

See MCR 4447

MCR 4452

252

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, January 1, 1902.

In the matter of the application of John F. Hearon for the identification of himself and his three minor children, Ella, Granville and Maudie, as Mississippi Choctaws.

John F. Hearon, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A John F. Hearon.

Q How old are you? A I am about fifty three years old.

Q How much Choctaw blood have you? A I don't know, sir; my grand mother, they said, was a full blood. That's only hear say.

Q That would make your mother a half blood and you a quarter blood? A Yes.

Q Is that what you claim, then, a quarter? A Yes, sir.

Q Choctaw blood? A Yes, sir, that's what I have always been told.

Q What is your post office address? A Riley, Mississippi.

Q What county? A Attala.

Q How long have you lived in Attala County? A About fifteen years.

Q Where did you live before that? A Lived in Choctaw.

Q This State? A Yes, sir.

Q How long? A It's called Webster now; it was Choctaw then.

Q How long did you live in Choctaw county? A I lived there all my life; born and raised there.

Q You never have lived outside of the State of Mississippi? A Yes, sir; I went into Texas and stayed about two months.

Q When was that? A That's been about seventeen years ago.

Q Your father living? A No, sir; he's dead.

Q What was his name? A William Hearon.

Q Is your mother living? A No, sir.

Q What was her name? A Her name was Pelly.

Q Through which one of your parents do you derive your Choctaw blood? A From my mother.

Q How long has your mother been dead? A Well, I will declare I don't know exactly.

Q About how long? A About thirty or thirty five years.

Q Where did she die? A Died - who, my mother?

Q How long has your mother been dead? A Been about eighteen or nineteen years, I reckon.

Q Where did she die? A In Texas.

Q How long had she lived there before her death? A In Limestone?

Q In Texas? A About five or six years.

Q Did she live in Mississippi all her life until she went to Texas?

A No, sir; she came from South Carolina to Choctaw.

Q Your mother did? A Yes, sir.

Q Do you know how old she was when she came from South Carolina?

A No, sir; I don't know.

Q Have you no idea? A No, sir; I don't.

Q Was it before or after she married? A Before she was married, I reckon; well, I know it was.



John F. Heaton, et al., 2.

Q Through which one of her parents did she get her Choctaw blood?  
A From her mother.

Q What was her name? A Her name was Betsey.

Q Her other name? A Robinson.

Q Was that her married name, or her maiden name? A Her married name.

Q What was her maiden name? A Cartledge.

Q Where did she live? A She lived over in Choctaw.

Q How long has she been dead? A About thirty or thirty five years, I reckon.

Q Did you ever see her? A Yes, sir; but that's been so long ago, I don't recollect much about her.

Q You don't remember her personal appearance then? A Yes, sir; she was red like woman, with cold black hair and black eyes is about all I can recollect about her.

Q Did she speak or understand the Choctaw language? A I don't know sir, whether she did or not.

Q Did she associate with the Choctaws here in Mississippi, or with the white people? A There was none there then that I can recollect.

Q When did she come over to this State? A From North Carolina or South Carolina.

Q Do you know when it was she came here? A No, sir, I don't.

Q Did you ever hear that she had Cherokee blood instead of Choctaw blood? A No, sir.

Q You are sure she claimed to be a Choctaw? A I am sure that's what I have always been told.

Q Did you ever hear her say she was a Choctaw? A My mother, yes sir I heard my mother say she was of the Choctaw tribe.

Q Did you ever hear your grand mother, Betsey, say she was a full blood Choctaw? A No, sir, I don't know that I ever did.

Q Did you ever hear her say anything about being a Cherokee?  
A No, sir.

Q You have seen a great many full blood Indians here - these Choctaws? A I don't know whether I ever seen a full blood Indian or not.

Q And yet you live here amongst them? A There is some here, but none where I live. I never did live among none in my life.

Q Well, from your recollection of your grand mother would you think she was a full blood Indian? A Well, from the best I can recollect, it seems she must have been.

Q You never heard of any of your ancestors ever having lived in Indian Territory, did you? A No, sir.

Q Do you speak the Choctaw language? A No, sir.

Q Did your mother? A No, sir.

Q Did her mother? A I don't know whether her mother did or not. I never could understand her much. I don't know nothing about the Choctaw language. All I know, she didn't talk like we do.

Q She could speak English, could she not? A Yes, sir.

Q And spoke some other language that you didn't understand? A Yes, sir.

Q Are you married? A Yes, sir.

Q Have you been married more than once? A Yes.

Q Is your first wife living? A No, sir.

Q How long after her death was it you married the second time?  
A Three years.

Q Was your first wife married more than once? A Yes, sir.

Q She was? A Yes, sir.

John F. Hearn, et al., 3.

- Q Did she have any Choctaw blood? A No, sir.
- Q Did your second wife have any Choctaw blood? A No, sir.
- Q Has your second wife been married more than once? A No, sir.
- Q What's your present wife's name? A Mary Elisabeth.
- Q You make no claim for her? A No, sir.
- Q How many children have you under twenty one years of age and unmarried? A Four.
- Q Under twenty one years of age and unmarried? A I have got three that's not married.
- Q Three then instead of four? A Yes, sir.
- Q What are the names and ages of those children? A Ella.
- Q How old? A About sixteen.
- Q The next one? A Granville, about fourteen.
- Q The next one? A Maudie, she is about ten years old.
- Q They are all living with you at this time? A Yes, sir; them three does.
- Q What's the name of their mother? A Of the ones that's here?
- Q Those three. What's the name of the mother of those three? A Well they was both named Mary.
- Q Are these children who are now at home the children of your second wife? A Two of them is of my second wife, and one of them is of my first wife.
- Q Ella is the child of your first wife, whose name was also Mary?
- A Yes, sir.
- Q What was Mary's middle initial, your first wife? A Mary Hillhouse.
- Q She was a Guin before she married him.
- Q I mean her middle initial; did she have any middle name? A No, sir.
- Q This application is for yourself and three minor children? A Yes, sir.
- Q Were you married to your first wife under a license? A Yes, sir.
- Q About when were you married to her? A About twenty three years ago, I reckon.
- Q Where? A In Choctaw.
- Q In Choctaw County, Mississippi? A Yes, sir.
- Q Where did you get your license? A Greensboro.
- Q County seat? A Yes, sir.
- Q Have you that license and certificate with you at this time?
- A No, sir. They was burned up. When the court house got burned up, they burned up.
- Q How long ago? A I 'll declare I don't recollect. Been several years.
- Q Who married you? A A man by the name of Nowlan.
- Q What official position did he hold? A Justice of the peace.
- Q How long did you live with your first wife? A I don't know; about sixteen or seventeen years.
- Q Now, where were you married to your second wife? A There in Webster County, Mississippi.
- Q About how long ago? A Been about sixteen years.
- Q Married under a license? A Yes, sir.
- Q Have you that license? A No, sir.
- Q Who married you? A Tom Finch. No, Bob Finch.
- Q What official position did he hold? A He was Justice of the Peace.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your first wife, Mary Elisabeth, for and in consideration of the application

John F. Hearn, et al., 4.

you make in behalf of your minor child, Ella, and to your second wife Mary, for use in consideration of the application you make in behalf of your minor children, Granville and Rhodie. The Commission will be glad to have you file this within a period of thirty days from this date if you find it convenient to do so.

Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir, not that I know of.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of that tribe? A No, sir, I did not.

Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children under the Act of Congress approved June 10, 1896? A No, sir.

Q Have you ever made any application of any description before to-day for yourself or any of these children? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q You understand what a contract is, a contract or agreement between Nations? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, right along in this country here, and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from this country out west of the Mississippi River to a new country a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land from the Government here in Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried

John F. Hearen, et al., 5.

child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, do you think you understand that clearly? A No, sir, I do not.

I will try to make it clear to you. We will suppose that a Choctaw Indian - a head of a family - who lived here seventy one years ago wanted to stay here and not go out to the Territory. Well, if he stayed here - and he undoubtedly wanted to get land here in Mississippi under this 14th article of the treaty - we will suppose that he elected to take land here in Mississippi under article 14 of the treaty. The first thing necessary for him to do was to within six months after the treaty was ratified, February 24, 1831, let the agent of the Government here in Mississippi for the Choctaws - the Government had an agent here - before the expiration of this six months for the purpose of receiving these notices from Choctaws - know that he wanted to stay here in Mississippi and become a citizen of the States and take land; he was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child he might have had in his family on the 27th day of September, 1830, the day the treaty was made, he was entitled to a reservation of three hundred and twenty acres, or half as much as the parent, and for each child under ten years of age, he was entitled to one hundred and sixty acres, or a quarter section. Now, these children's reservations must adjoin the location of the parent. Now, if he lived on that land intending to become a citizen of the States for five years from February 23, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple; that is, the Government would give him a deed to the land, and it would be his to dispose of at his own pleasure. That 14th article - the concluding clause is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Now, the Choctaw annuity was money paid to the Choctaws in Indian Territory each year by the Government under treaty provisions. The Choctaws who stayed here in Mississippi and took advantage of article 14 of the treaty of Dancing Rabbit Creek did not under that 14th article lose the privilege of a Choctaw citizen, but if they ever removed; that is, if they ever went out to the new country, they would not be entitled



John F. Hearn, et al., 62.

to any portion of this Choctaw annuity. I have tried to explain that 14th article clearly to you.

Q Do you think you understand it now? A I'll declare, I don't know whether I do or not.

Q What is there about it that bothers you? A I don't understand much about it no way.

Q Well, you understand now, that this 14th article - the requirement set forth in that 14th article which I have explained to you referred to Choctaws who lived here seventy one years, and wanted to stay here and get land at that time. Now, I have told you just what a Choctaw had to do if he wanted to get land here at that time. He had to let the agent know within six months from the time the treaty was ratified; he was then entitled to this reservation for himself and any children he might have had, and after he had lived on it five years, and at the end of that time, he got a deed in fee simple to it; that is all there is about that 14th article except the last clause. What is there you don't understand about it? A Well, sir; I hardly know. Do you mean he can draw land there if he ever has homesteaded land here? A

Q No, it does not refer to that at all. You see you have got the idea that it referred to people who live now, I suppose from that remark, but we are not talking about people who live here now, there are very few people living here now who lived seventy one years ago or more when this treaty was made; I am talking about people who lived here seventy one years ago - people who didn't go out to the Nation, but stayed here and took land, but that last clause of the article says if a Choctaw did stay here and take land under this 14th article, he should not lose the privilege of a Choctaw citizen, but if he ever decided to move out to the Territory, he never could get any of this annuity money? A Yes.

Q Do you think you understand that now? A Yes, sir, I think I understand that.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A No.

Q That is, did they ever do as that 14th article said they should do, or did they ever get anything under that 14th article? A Not that I know of.

Q Were any of them living here in the old Choctaw Nation in 1830, when this treaty was made? A No, sir.

Q Did any of them own an improvement here at that time? A No, sir.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time, seventy one years ago? A No, sir; I reckon not.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here and become citizens of the States and take land? A I don't know, sir, whether they did or not.

John F. Hearon, et al., 7.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Or any other article of that treaty, or under the supplement thereto? A No, sir, none that I know of.

Q Did any of your ancestors ever get any land here in Mississippi from the Government? A No, sir.

Q Or any money from the Government? A No, sir.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No, sir.

Q Or did any of them ever receive any benefits as such? A No, sir; not that I know of.

t In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty

John F. Hearn, et al., &c.

of Dancing Rabbit Creek? A No, sir, none that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip,

Q Did any of your ancestors ever receive any of this scrip from the Government under this Act of Congress? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A None, without the Cartlidges.

Q What Cartlidges? A Sam and Eli, who live up in Montgomery County.

Q What is the post office address of those Cartlidges? A I reckon Sam is Popular Creek, and Eli may be the same; I don't know.

Q They are very old men, are they? A Yes, sir.

Q Do you think they knew about this treaty? A If they don't, I don't think anybody else does.

Q They are old acquaintances of your family, are they? A Yes, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any of its appointments here in Mississippi this winter, or between the 15th of January and the 15th of February at Meridian, Mississippi, or within a reasonable time thereafter at the general office of the Commission at Muskege, Indian Territory and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Two; well, I have got three; I got one in Texas, I reckon he is living.

Q What are the names of those four brothers? A Joe, Tom, James B. and Frank.

Q They are full brothers of yours, are they? A Yes, sir.

Q Have you any sisters living? A Got two.

Q What are their names? A Emily and Clemantine.

Q Is Emily married? A Yes, sir.

Q What's her husband's name? A Hillhouse.

Q Is she the Emily Hillhouse who appeared before the Commission here yesterday? A Yes, sir.

Q Is Clemantine married? A No, sir.

Q Where does she live? A She lives up here in Attala.

John F. Hearn, et al., 9.

Q Any brothers or sisters dead? A Got one sister dead.

Q Was she grown up at the time of her death? A No, sir, she wasn't more than nine years old, I don't reckon.

Q Have you any children who are over twenty one years of age or married? A I have four, John V. William T. Austin L., and Resie Duke, all of whom are here to-day.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 1st day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Nainburg, Mississippi, this 7th day of January, 1902.

*L. B. Mosely*

U. S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.



M.C.R. 4452.

COPY.

Washago, Indian Territory, October 8, 1902.

John F. Hearn,

Mississippi.

Dear Sir:-

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Willhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Willhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Willhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David S. Willhouse,             | M.C.R. 4451 |
| John F. Hearn, et al.,          | M.C.R. 4452 |
| Rosetta Sime, et al.,           | M.C.R. 4453 |
| John V. Hearn, et al.,          | M.C.R. 4454 |
| William Thomas Hearn, et al.,   | M.C.R. 4455 |
| Austin B. Hearn,                | M.C.R. 4456 |
| Frank Hearn,                    | M.C.R. 4457 |
| James S. Hearn, et al.,         | M.C.R. 4458 |
| William M. Robertson, et al.,   | M.C.R. 4459 |
| William T. Robertson, et al.,   | M.C.R. 4460 |
| Joseph M. Robertson, et al.,    | M.C.R. 4461 |

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

J.F.H. #2.

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver C. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary B. Pugh, Lucella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grever C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Crecia Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Registered.

*Samuel D. Dancy*  
Acting Chairman.

M.O.B. 4482

COPY

Langage, Indian Territory, February 28, 1903.

John F. Neeson,

Riley, Miss.

Dear Sir:

You are hereby notified that on the 15th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.  
Chairman.

Identification as a Mississippi Choctaw.

Pathag, Miss.

Date JAN 1 1902

Name John F. Hearon

Age 53

Blood 1/4

Post Office, Riley, Miss.

Father: William Hearon

d

Mother: Polly

"

d

Claims through mother

wife Mary E. Hearon  
(no claim for her.)

L

Children:

Ella Hearon

16

Granville

"

14

Maudie

"

10

Child of first wife Mary E.

(Mother of Polly = Betsey Robinson (free))

Stenographer

R. S. Strut.

Choctaw MCR 4453

Austin L. Hearon

See MCR 4447

MCR 4453



4453

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, January 1, 1902.

In the matter of the application of Austin L. Hearon,  
for identification as a Mississippi Choctaw.

Austin L. Hearon, having been first duly sworn, upon  
his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Austin L. Hearon.  
Q How old are you? A Nineteen.  
Q How much Choctaw blood have you? A I don't know; 1/8 I reckon.  
Q What's your post office address? A Zilpha,  
Attala County, Mississippi? A Yes, sir.  
Q How long have you lived in Attala County? A All my life; born and raised there.  
Q Is your father living? A Yes, sir.  
Q What's his name? A John F. Hearon.  
Q Is he the John F. Hearon who appeared before the Commission here this morning? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary.  
Q Did she have any Choctaw blood? A No, sir, not that I know of.  
Q Has your father always lived in the State of Mississippi? A Yes, sir, all but what time he was over in Texas; he was over there two months, I believe he said.  
Q Do you speak the Choctaw language? A No, sir.  
Q Does your father? A No, sir.  
Q Through which one of his parents did he get his Choctaw blood?  
A Mother's side.  
Q What was her name? A Felly.  
Q Did you ever see Felly? A No, sir. I never did see her.  
Q Knew nothing about her? A No, sir, I don't know anything about her.  
Q Through which of her parents did she get her Choctaw blood?  
A I don't know, sir, from her mother's side, I reckon.  
Q Do you know what her name was? A No, sir.  
Q Are you married? A Yes, sir.  
Q What's your wife's name? A Essie.  
Q Has she any Choctaw blood? A No, sir, not that I know of.  
Q You make no claim for her? A No, sir.  
Q Have you any children? A No, sir.  
Q This application, then, is for yourself only, is it? A Yes, sir.  
Q Is your name on any of the Choctaw tribal rolls in Indian Territory?  
A I don't know, sir.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.  
Q Did any one else ever make such an application for you? A No, sir, not that I know of.

Austin L. Hearen, 2

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10<sup>th</sup> 1896? A I don't know sir.

Q Has any application of any description ever been made for you before to-day? A No, sir, not that I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You understand that 14th article, do you not? A Well, I don't know sir, whether I do or not.

Well, the treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in that treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay here in Mississippi might do so and receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall he be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A Yes, sir, I think so.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A I don't know, sir.

Q Did any of them own an improvement here in the old Choctaw

Austin L. Hearen, Esq.

Nation, in the year 1830, when this treaty was made? A I don't know, sir.

Q Did any of them live here at that time? A I don't know, sir, whether they did or not.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I couldn't tell you.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1835 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know sir.

Q Did any of them get any land here in Mississippi from the government? A I don't know.

Q Or any money from the Government? A I don't know.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A Not that I know of.

Q Did any of them ever live in Indian Territory? A No, sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commission came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the third day of February, 1838, providing



Austin L. Hearon, 4.

for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases, so it became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work. This commission was duly appointed by the President of the United States and the commission came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir, not unless these old men up here in Montgomery County - old man Cartledge.

Q The same persons referred to in your father's testimony? A Yes, sir.

Q Have you any witnesses here to-day? Whose testimony you desire to have taken in support of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this winter, or between January 15th and February 15th at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Two own brothers and one half brother.

Q What are their names - your full brothers? A John Virgil.

Q And what is the other one? A William Thomas.

Austin L. Heeren, S.

- Q What is the name of your half brother? A Granville.  
Q Have you any sisters living? A Yes, sir, got two.  
Q What are their names? A Yes, sir.  
Q What are their names? A Yes, sir.  
Q Are either of them married? A Yes, sir.  
Q What's her husband's name? A Duke.  
Q Duke what? A I know, I believe.  
Q Andrew Duke? A Yes, sir.  
Q Have you any half sisters living? A Yes, sir, one.  
Q What's her name? A Yes, sir.  
Q Have you full brothers or sisters, or any half brothers or sisters  
dead? A Yes, sir.  
Q Were any of them grown at the time of their death? A No, sir.

(This applicant has the appearance of being a white man,  
and shows no indication of being possessed of Indian  
blood. He does not speak or understand the Choctaw  
language.)

R. S. Streit, having been first duly sworn, upon his oath  
states that as stenographer to the Commission to the Five Civilized  
Tribes, he reported in full all proceeding had in the above entitled  
cause on the first day of January, 1902, and that the above and  
 foregoing is a full, true and correct translation of his stenographic  
notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Edinburg, Mississippi,  
this 7th day of January, 1902.

*L. B. Mosley*

Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY. M.C.R. 4453

Muskogee, Indian Territory, October 8, 1902.

Austin L. Hearon,

Bilpha, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Millhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Millhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Millhouse, et al., | M.C.R. 4449 |
| Emily F. Pugh, et al.,          | M.C.R. 4450 |
| David S. Millhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4455 |
| Austin L. Hearon,               | M.C.R. 4456 |
| Frank Hearon,                   | M.C.R. 4457 |
| James S. Hearon, et al.,        | M.C.R. 4458 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer

A. L. H. -2

oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily P. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Pearson, William M. Robertson, Daisy L. Robertson, Cecile Robertson, Odie J. Robertson, Ollie Robertson, Mather Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lora Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

W. H. H.

W. H. H.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 26, 1903.

Austin L. Heaton,  
Eilpha, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

SIGNED,

*Tame Bixby.*  
Chairman.

1599

No. 4153

For Identification as a Mississippi Choctaw.  
*Carthage, Miss*

Date JAN. 1 1902

Name *Austin L. Hearon*

Age *19* Blood *1/8*

Post Office, *Zilpha, Miss.*

Father: *John F. Hearon*

Mother: *Mary* "

Claims through *father*

*Rose* *Hearon*  
(no claim for her)

(Claims for self only.)

Children:

(Mother of John F. Hearon = *Polly* *Hearon* (1/2) *S.*

" *Polly* = *Betty Robinson* (full) *S.*

Stenographer



Choctaw MCR 4454

John V. Hearon

See MCR 4447

MCR 4454

4454

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cathage, Mississippi, January 1, 1902.

In the matter of the application of John V. Hearen for the identification of himself and four minor children, Maggie, Bessie, Ora and Effie, as Mississippi Choctaws.

John V. Hearen, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John V. Hearen.  
Q How old are you? A I am about thirty one, soon will be.  
Q How much Choctaw blood have you? A Well, sir, I don't know, I reckon 1/8.  
Q What's your post office address? A Eilpha, Mississippi.  
Q Attala County, Mississippi? A Yes, sir.  
Q How long have you lived in Attala County? A About fourteen years, I believe.  
Q Where did you live before that? A In Webster County, it's called now.  
Q How long did you live there? A All my life.  
Q Born in Webster? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q What's his name? A John F. Hearen.  
Q Is he the John F. Hearen who appeared before the Commission here to-day? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary.  
Q Did she have any Choctaw blood? A No, sir, none that I know of.  
Q You claim your Choctaw blood through your father? A Yes, sir.  
Q Through which one of his parents did he get his Choctaw blood?  
Q Mother's side.  
Q What was her name? A Pelly.  
Q Through which one of her parents did Pelly get her Choctaw blood?  
Q From her mother's side, I think.  
Q What was her name? A I don't know.  
Q Has your father lived in this State all of his life?  
A Yes, sir about it.  
Q Does he speak or understand the Choctaw language? A No, sir.  
Q Do you? A No, sir.  
Q Did your father's mother? A I don't know; I was small, and don't recollect much anything about her.  
Q Did you ever see her? A Yes, sir, I have seen her.  
Q According to your testimony, she was a half blood Choctaw, is that correct? Your father's mother? A I believe that's right.  
Q Did she live in this State all her life? A I don't know.  
Q You don't know anything about her residence? A No, sir.  
Q Do you know anything about her mother's residence? A No, sir.  
Q Are you married? A Yes, sir.  
Q Have you been married more than once? A No, sir.  
Q Has your wife been married more than once? A No, sir.  
Q You living with your wife now? A Yes, sir.



John V. Hearn, et al., 2.

Q What's her name? A Bettie.

Q Has she any Chectaw blood? A No, sir, none that I know of.

Q You make no claim for her? A No, sir.

Q Any children living? A Yes, sir.

Q How many? A Four.

Q What are their names and ages? A Well, my oldest one named Maggie, she is seven years old.

Q The next one? A Bessie is five.

Q The next one? A Ora is four.

Q The next one? A Effie is a year old.

Q These children are all the children of yourself and Bettie Hearn? A Yes, sir.

Q Were you married to her under a license? A Yes, sir.

Q When? A Its been about nine years ago.

Q Where? A In Attala County.

Q Who married you? A Bigsby.

Q What official position did he held at that time? A Justice of the peace.

Q Where did you get your license? A Kossiusko.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Bettie for use in connection with the application you make in behalf of your four minor children. The Commission will be glad to have you furnish this evidence within thirty days from this date, if possible.

Q Is your name, or the name of any one of these children, to be found upon any of the Chectaw tribal rolls in Indian Territory? A I don't understand you.

Q Is your name, or the name of any one of these children, to be found upon any of the Chectaw tribal rolls in Indian Territory? A Not that I know of.

Q Did you ever make application to the Chectaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of that tribe? A No, sir.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Chectaw Nation for yourself or any one of these children under the Act of Congress approved June 10, 1896? A No, sir, not that I know of.

Q Have you ever made any application of any kind before to-day for yourself or any of these children? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Chectaw lands in Indian Territory under and article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Well, I don't know as I exactly understand it, I think I do.

Q You heard it fully explained to your father, John V. Hearn, just before your examination? A Yes, sir, I did.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Don't know.

Q Did any of them own an improvement here in the old Chectaw Nation in the year 1830, when this treaty was made? A I don't know.

Q Were any of them living here at that time, seventy one years ago? A I don't know.

John V. Heuron, et al., 3.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I didn't understand you.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government for the Choctaws, here in Mississippi, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other article of that treaty, or the under the supplement to that treaty? A I don't know.

Q Did any of your ancestors ever get any land here in Mississippi from the Government of the United States? A Not that I know of.

Q Or any money? A Not that I know of.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commission came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by

John V. Hearen, et al., 4.

which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I knew of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this Act of Congress? A No.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know unless it would be the Cartlidges.

Q They are the same persons referred to in your father's testimony? A Yes, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this winter, or between January 15th and February 15th, at Natchez, Mississippi, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Two whole brothers and one half brother.

Q What are the names of your full brothers? A William Thomas and Austin Levert.

Q Are they here to-day? A Yes, sir.

Q What's the name of your half brother? A Granville.

Q Is he of age? A No, sir.

Q Have you any full sisters living? A Yes, sir two.

Q What are their names? A Rosie and Ella.

Q Is Rosie married? A Yes, sir.

John V. Hearen, et al., 5.

Q What's her husband's name? A Andrew.  
Q What? A Duke.  
Q Is she here to-day? A Yes, sir.  
Q Is Ella of age? A No, sir.  
Q Is she married? A No, sir.  
Q Have you any half sisters living? A Yes, sir, one.  
Q What's her name? A Yndie.  
Q Have you any brothers or sisters, or half brothers or sisters dead? A Yes, sir.  
Q Were any of them grown at the time of their death? A No, sir.  
Q Are any of your father's brothers living? A Yes, sir.  
Q How many? A Four, I believe.  
Q What are their names? A Joe, and Tom, James B. and Frank.  
Q Has your father any sisters living? A Yes, sir, two.  
Q What are their names? A Emily Hillhouse and Clementine Hearen.  
Q Has he any brothers or sisters dead? A No?  
Q Your father? A Yes, sir, I think he has.  
Q Were any of them of age at the time of their death? A I don't know.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he report in full all proceedings had in the above entitled cause on the first day of January 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Rainburg, Mississippi, this 7th day of January, 1902.

*R. S. Streit*  
*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]* Deputy.



COPY.

H.C.R. 4484

Muskogee, Indian Territory, October 8, 1902.

John V. Hearon,  
Natchez, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | H.C.R. 4447 |
| Mary McFarah, et al.,           | H.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | H.C.R. 4449 |
| Emily F. Fugh, et al.,          | H.C.R. 4450 |
| David S. Hillhouse,             | H.C.R. 4451 |
| John F. Hearon, et al.,         | H.C.R. 4452 |
| Rosetta Duke, et al.,           | H.C.R. 4453 |
| John V. Hearon, et al.,         | H.C.R. 4454 |
| William Thomas Hearon, et al.,  | H.C.R. 4455 |
| Austin E. Hearon,               | H.C.R. 4456 |
| Frank Hearon,                   | H.C.R. 4457 |
| James S. Hearon, et al.,        | H.C.R. 4458 |
| William M. Robertson, et al.,   | H.C.R. 5410 |
| William T. Robertson, et al.,   | H.C.R. 5411 |
| Joseph M. Robertson, et al.,    | H.C.R. 5412 |

These applications were made under the provision of the act of Congress of June 30, 1896, (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh,

eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Haudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Cecile Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph H. Robertson, Lora Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

*James D. [unclear]*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 26, 1903.

John V. Hearn,

Wagon, Muskogee.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily V. Hillhouse, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

(SIGNED)

*Tamie Dixby.*

Chairman.

1600

No. 4154

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

JAN 1 1902

Name John V. Hearon

Age 31

Blood 1/8

Post Office, Zilpha, Miss.

Father: John F. Hearon

Mother: Mary

Claims through father.

wife Bettie Hearon  
(no claim for her)

Claims for himself and 4  
minor children)

Children:

Maggie Hearon 7

Bessie " 5

Ora " 4

Effie " 1

(Mother of Jno. F. Hearon - Polly Hearon (1/2)

" " Polly - Orta Robinson (full of)

Stenographer

A. J. Street



Choctaw MCR 4455

Rosetta Duke

See MCR 4447

MCR 4455

4445

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, January 1, 1902.

In the matter of the application of Rosetta Duke for the identification of herself and her three minor children, Grover C., Sylvester and William J., Duke, as Mississippi Choctaws.

Rosetta Duke, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Rosetta Duke.  
Q How old are you? A Thirty two.  
Q How much Choctaw blood have you? A Well, I don't know; I guess about 1/8.  
Q What is your post office address? A West Station, Holmes County.  
Q How long have you lived in Holmes County? A I don't live in Holmes County; I live in Attala County.  
Q How long have you lived there? A One year, I believe.  
Q In Attala County, I mean? A About twelve years.  
Q Where did you live before that? A Lived in Webster County.  
Q How long did you live there? A Well, I lived there all my life until I moved down here, and what little time we stayed in Texas.  
Q How long were you out there? A I think it was about six months.  
Q Is your father living? A Yes, sir.  
Q What is his name? A John F. Hearon.  
Q Is he the John F. Hearon who appeared before the Commission here this morning? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary.  
Q Did she have any Choctaw blood? A Not that I know of.  
Q You claim, then, through your father? A Yes, sir.  
Q Has he always lived in Mississippi? A Yes, only what time he was in Texas.  
Q How long was that? A Just a few months.  
Q Through which one of his parents did he get his Choctaw blood?  
A His mother's side.  
Q What was her name? A Polly.  
Q Polly what? A I don't know.  
Q Did you ever see Polly? A Yes, sir.  
Q How much Choctaw blood did she have? A I don't, know, sir.  
Q Did she look to you as if she had any at all? A I don't know.  
Q Did she speak or understand the Choctaw language? A I don't know, sir.  
Q Do you? A No, sir.  
Q Does your father? A No, sir.  
Q Through which one of her parents did Polly get her Choctaw blood?  
A I don't know, she got it on her mother's side I reckon.  
Q Do you know the name of her mother? A No, sir.  
Q Do you know where Polly lived during her life time? A No, sir.  
Q Know nothing whatever about her? A Well, I don't know anything much about her; you knew I was small.  
Q When did she die? A Yes, sir; I can recollect seeing her.

Resetta Duke, et al., 2.

- Q Where did she live when you knew her? A She lived in Webster.
- Q Where did she die? A I don't know.
- Q Are you married? A Yes, sir.
- Q Have you been married more than once? A No, sir.
- Q Is your husband living? A Yes, sir.
- Q What's his name? A Andrew J. Duke.
- Q Has he been married more than once? A No, sir.
- Q Has he any Choctaw blood? A Not that I know of.
- Q You make a claim for him then? A No, sir.
- Q Have you any children living? A Yes, sir.
- Q How many? A Three.
- Q What are their names? A Grover C., twelve.
- Q The next one? A Sylvester, ten.
- Q The next one? A William J., seven.
- Q Are these children living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Andrew J. Duke? A Yes, sir.
- Q This application for yourself and three minor children, is that correct? A Yes, sir.
- Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of that tribe? A No, sir.
- Q Did you, in the year 1896, make application to this Commission for citizenship for yourself or any one of these children? A No, sir.
- Q Have you ever made any application of any kind before to-day?
- A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these three children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article? A Yes, sir, I think I do.
- Q You have heard it explained to your father and your brothers?
- A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits thereunder? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I know of.
- Q Did any of them live here at that time? A I don't know.
- Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.
- Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.
- Q Did any of them ever claim or receive any land here in Mississippi

Rosetta Duke, et al., 3.

from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Or any other Article of that treaty, or under the supplement to that treaty? A Not that I know of.

Q Did any of your ancestors ever get any land here in Mississippi from the Government? A Not that I know of.

Q Or any money from the Government? A No, sir, not that I know of.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Any of them ever receive any benefits as such? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government, the names of many Indians who did in fact let him know that they wanted to stay here and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the president of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.



Rosetta Duke, et al., 4.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States government under this Act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, not unless it is the Mr. Cartlidges.

Q In Montgomery County? A Yes, sir.

Q They are the same persons referred to in your father's testimony? A Yes, sir.

Q Have you any witnesses here to-day, whose testimony you desire to have taken in support of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this winter, between January 15th and February 15th, at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three own brothers, and one half brother.

Q What are the names of your full brothers? A John V., William T., and Austin L.

Q What is the name of your half brother? A Granville.

Q The same father? A Yes, sir.

Q Have you any brothers full sisters living? A One.

Q What's her name? A Ella.

Q Is she married? A No, sir.

Q Have you any half sisters living? A One.

Q What's her name? A Naudie.

Q Have you any brothers or sisters, or half brothers or half sisters dead? A Yes, sir, I have got a half brother dead and two own sisters dead.

Q Were any of them grown at the time of their death? A No, sir.

Q Any of your father's brothers living? A Yes, sir.

Q How many? A Four, I believe.

Q What are their names? A There's Joe, Tom, and James B. and Frank.

Q Are any of your father's sisters living? A Yes.

Q What are their names? A Emily and Clementine.

Rosetta Duke, et al., vs.

- Q Is Emily married? A Yes, sir.  
Q What's her husband's name? A Hillhouse.  
Q Was Clementine ever married? A No, sir.  
Q Has your father any brothers or sisters dead? A Yes, sir, they say they have got a sister dead, I don't know.  
Q Was she grown at the time of her death? A I don't know, sir.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R. B. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 1st day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. B. Street*

Subscribed and sworn to before me at Edinburg, Mississippi, this 7th day of January, 1902.

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

*Grady*

Deputy.

Muskogee, Indian Territory, October 2, 1902.

Rosetta Duke,  
West, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | M.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David B. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4455 |
| Austin L. Hearon,               | M.C.R. 4456 |
| Frank Hearon,                   | M.C.R. 4457 |
| James B. Hearon, et al.,        | M.C.R. 4458 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

\*Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States

R. D. 2

and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin J. Hearon, Frank Hearon, James S. Hearon, Charlie S. Hearon, Mattie Hearon, William M. Robertson, Daisy L. Robertson, Greole Robertson, Odie J. Robertson, Ollie Robertson, Nether Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas J. Robertson, Thomas H. Robertson, Joseph H. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.



COPY

Muskogee, Indian Territory, February 26, 1903.

Rosetta Duke,

West, Mississippi.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Billy F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

#1601

No. 4155

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

Date

JAN 1 1902

Name Rosetta Duke

Age 32

Blood 1/8

Post Office, Vest, Miss.

Father: John F. Hearon

Mother: Mary

Claims through

~~my~~ husband

Andrew J. Duke

(No claim for him)

Children:

Glover C. Duke

12

Sylvester

"

10

William J.

"

7

(Mother of John F. Hearon = Polly (n) 8.

" " Polly: Oriley Robinson (nee) 8.

Signature

Choctaw MCR 4456

William T. Hearn

See MCR 4447

MCR 4456

4456

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, January 1, 1902.

In the matter of the application of William Thomas Hearren, for the identification of himself and his three minor children, Walter, Annie and Willie, as Mississippi Choctaws.

William Thomas Hearren, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A William Thomas Hearren.  
Q How old are you? A Twenty eight.  
Q How much Choctaw blood have you? A Well, I don't know, I reckon I have got an eighth, according to what they all say.  
Q What's your post office address? A Silpha, Attala County, Mississippi.  
Q How long have you lived in Attala County? A I have lived there about fifteen years, I reckon.  
Q Where did you live before that? A Webster County.  
Q Were you born there? A Yes, sir.  
Q You lived in Mississippi all your life? A Well, all except a short time I stayed in Texas; I stayed in Texas I reckon three or four months, somewhere along there, I don't remember exactly.  
Q Is your father living? A Yes, sir.  
Q What is his name? A John F. Hearren.  
Q Is he the John F. Hearren who appeared before the Commission here this morning? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary.  
Q Did she have any Choctaw blood? A None that I know of.  
Q You got your Choctaw blood through your father, then? A Yes, sir.  
Q Has your father always lived in Mississippi? A Yes, sir, all except he stayed in Texas three or four months, somewhere along there.  
Q Through which one of his parents did he get his Choctaw blood?  
A From his mother.  
Q What was her name? A Pelly.  
Q Do you remember her? A Yes, sir, I recollect seeing her, but I was small, and don't recollect much about it.  
Q What was her name - maiden name? A Before she was married? Robinson.  
Q Do you know anything about where she lived during her life time?  
A No, sir, I don't know.  
Q Could she talk the Choctaw language? A I don't know.  
Q Can you? A No, sir.  
Q Can your father? A No, sir, I reckon not.  
Q Through which one of her parents did Pelly get her Choctaw blood?  
A They say she got it from her mother.  
Q What was her name? A I couldn't tell you.  
Q You know nothing about her? A No, sir.  
Q Her where she lived? A No, sir, I don't know.  
Q Are you married? A Yes, sir.

William Thomas Hearon, et al., 2.

- Q How many times have you been married? A Once.  
Q Your wife living? A Yes, sir.  
Q Has she been married more than once? A No, sir.  
Q What's her name? A Mattie.  
Q Has she any Choctaw blood? A No, sir, not that I know of.  
Q You make no claim for her, then? A No, sir.  
Q Any children living? A Yes, sir, three.  
Q What are their names and ages? A Walter, eight years old, Annie five, and Willis two.  
Q Are these children all the children of yourself and Mattie Hearon? A Yes, sir.  
Q Are they living with you at this time? A Yes, sir.  
Q Were you married to her under a license? A Yes, sir.  
Q Where did you get your license? A Koscusko.  
Q The County seat of Attala County A Yes, sir.  
Q When were you married to her? A Been married to her nine years.  
Q Where were you married to her? A Well, I was married in Attala County, right there in the settlement where I live.  
Q Who married you? A Dr. Rufus Hale.  
Q What official position did he hold at that time? A Justice of the peace.  
Q Have you your marriage license and certificate with you at this time? A No, sir, I haven't.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Mattie, to be used in consideration of the application you make in behalf of your minor children. The Commission will be glad to have you furnish this evidence in thirty days from this date, if possible.

- Q Is your name, or the name of either one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?  
A No, sir, I reckon not.  
Q Did you ever make application for yourself or either of these children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No, sir.  
Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir, not that I know of.  
Q Have you ever made any application of any kind before to-day?  
A No, sir, never did.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.  
Q You understand that 14th article, do you? A Yes, sir, I think I do.  
Q You have heard it explained here a number of times before the Commission? A Yes, sir.  
Q Did any of your ancestors, ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits thereunder? A No, sir.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A Not that I know of.



William Thomas Hearon, et al., 3.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know, sir, whether they were or not.

Q Did any of them live here in the old Choctaw nation at that time? A I don't know that either.

Q Did any of them remove from the old Choctaw nation, here in Mississippi and Alabama, to the present Choctaw nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1832 and 1838? A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi, from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did any of them ever get any land from the Government under any other article of that treaty, or under the supplement to that treaty? A No, sir, not that I know of.

Q Did any of them ever get any money from the Government, that you know of? A No, sir.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A No, sir, not that I know of.

Q Did any of them ever receive any benefits as such? A No, sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the con-

William Thomas Hearon, et al., 4.

terminance of this commission, they were unable to dispose of but a comparatively small number of these cases; it, therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Chestaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Chestaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this Act of Congress? A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, unless it was them two old Cartledge men, living up in Montgomery County.

Q They are the same persons referred to in your father's testimony? A Yes, sir.

Q Have you any witnesses here to-day whose testimony you desire to have taken in support of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this winter, or between January 15th and February 15th at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many full brothers? A Two.

Q What are their names? A John V. and Austin L.

Q They have both been before the Commission this morning? A Yes, sir.

William Thomas Hearn, et al., 5.

- Q Any half brothers living? A Yes, sir, one.  
Q Same father? A Yes, sir.  
Q What's his name? A Granville.  
Q Any full sisters living? A Yes, sir two.  
Q What are their names? A Rosie and Ella.  
Q Is Rosie married? A Yes, sir.  
Q What's her husband's name? A Andrew Duke.  
Q Is Ella married? A No, sir.  
Q Rosie was before the Commission this morning? A Yes, sir.  
Q Have you any half sisters living? A One.  
Q What's her name? A Maudie.  
Q Have you any full brothers or sisters, or any half brothers or sisters dead? A Yes, sir.  
Q Were any of them green at the time of their death? A No, sir.

(This applicant has the appearance of being a white man and shows no indication ~~any~~ of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 1st day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Street*

Subscribed and sworn to before me at Edinburg, Mississippi, this 6th day of January, 1902.

*L. B. Moseley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.



Waskagee, Indian Territory, October 8, 1902.

William Thomas Hearon,  
Zilpha, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emily F. Hillhouse, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |             |
|---------------------------------|-------------|
| Emily F. Hillhouse,             | H.C.R. 4447 |
| Mary McGarrah, et al.,          | M.C.R. 4448 |
| Oliver G. B. Hillhouse, et al., | M.C.R. 4449 |
| Emily F. Fugh, et al.,          | M.C.R. 4450 |
| David S. Hillhouse,             | M.C.R. 4451 |
| John F. Hearon, et al.,         | M.C.R. 4452 |
| Rosetta Duke, et al.,           | M.C.R. 4453 |
| John V. Hearon, et al.,         | M.C.R. 4454 |
| William Thomas Hearon, et al.,  | M.C.R. 4456 |
| Austin L. Hearon,               | M.C.R. 4453 |
| Frank Hearon,                   | M.C.R. 4446 |
| James S. Hearon, et al.,        | M.C.R. 4445 |
| William M. Robertson, et al.,   | M.C.R. 5410 |
| William T. Robertson, et al.,   | M.C.R. 5412 |
| Joseph M. Robertson, et al.,    | M.C.R. 5411 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh,

eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Emily F. Hillhouse, Mary McGarah, Andrew Jackson McGarah, Emily Josephine McGarah, Henry Marion McGarah, William Bryan McGarah, Oliver G. B. Hillhouse, Albert Hillhouse, Emily F. Pugh, Mary E. Pugh, Luella Pugh, David S. Hillhouse, John F. Hearon, Ella Hearon, Granville Hearon, Maudie Hearon, Rosetta Duke, Grover C. Duke, Sylvester Duke, William J. Duke, John V. Hearon, Maggie Hearon, Bessie Hearon, Ora Hearon, Effie Hearon, William Thomas Hearon, Walter Hearon, Annie Hearon, Willie Hearon, Austin L. Hearon, Frank Hearon, James S. Hearon, Charlie B. Hearon, Mattie Hearon, William E. Robertson, Daisy L. Robertson, Cecelia Robertson, Odie J. Robertson, Ollie Robertson, Esther Robertson, Bertie Robertson, William T. Robertson, William O. Robertson, Thomas L. Robertson, Thomas H. Robertson, Joseph M. Robertson, Lera Robertson, Lenna Robertson, and Alma Robertson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

James L. Hill

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, February 26, 1903.

William T. Hearn,

Zilpha, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emily F. Hillhouse, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

#1602

No.

4156

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date JAN 1 1902

Name William T. Hearon

Age 28

Blood 1/8

Post Office, Zilpha, Miss.

Father: John F. Hearon

L

Mother: Mary

d

Claims through

father  
wife Mattie Hearon  
(no claim for her)

L

(Claims for self and 3 children)

Children:

Walter Hearon 8

Annie " 5

Willie " 2

Mother of Jas. F. Hearon = Polly (1/2 d)

Mother of Polly = Peter Robinson per 5

Stenographer

R. A. Strick

Choctaw MCR 4457

Joseph Cowan

See MCR 4251

MCR 4457

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. January 6, 1902.

4457

In the matter of the application of Thomas Cowan for the identification of his minor son Joseph Cowan as a Mississippi Choctaw.

Applicant not represented by attorney.

Thomas Cowan first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Thomas Cowan.  
Q What is your age? A Fifty-one.  
Q What is your post-office address? A DeKalb, Texas.  
Q What is the name of this child for whom you make application?  
A Joseph Cowan.  
Q How old is he? A He is twelve years.  
Q You are his father? A Yes sir.  
Q Is his mother living? A No sir.  
Q What was her name? A Fannie Cowan.  
Q He gets his Choctaw blood through his mother does he? A Yes sir  
Q How much Choctaw blood was his mother possessed of? A I could not tell you, just claim to have Choctaw blood in him. I believe the grandfather was named Samuel J. Long.  
Q How old would your wife Fannie Cowan be if she were living now?  
A I don't just recollect, forty seven or eight I reckon.  
Q Where was she born? A Mississippi.  
Q What part in Mississippi? A In Tupelo I think.  
Q What part of Mississippi is Tupelo situated in? A I could not tell you I was never there.  
Q Eastern or Western or North-eastern part? A I reckon it is a kind of middle Northern part.  
Q You make no claim to having Choctaw blood do you? A No sir none at all.  
Q Were you legally married to your wife? A Yes sir.  
Q When and where were you married? A Near DeKalb, Texas, September eighty-eight I guess.  
Q Was Fannie Cowan ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Not that I knew of.  
Q If she had ever been recognized as a member of the Choctaw tribe of Indians you would know it would you not? A Yes sir.  
Q Then your answer to that question would be she was not recognized as a member of the Choctaw tribe of Indians so far as you know? A Yes sir.  
Q The application you are now making is for your minor child is it? A Yes sir Joseph Cowan.  
Q How much Choctaw blood do you claim this child to be possessed of? A Well I could not say at all.  
Q Is the name of Joseph Cowan to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? No sir.  
Q Did any one ever make application to the Choctaw tribal authorities in Indian Territory to have this child enrolled as a member of that tribe? A No sir.  
Q Did any one for this child ever make application in 1896 to the Dawes Commission to have him admitted as a citizen under the act of Congress of June 10th 1896? A No sir.



- Q. Has he ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q. Has any application ever been made for him prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q. Do you appear before the Commission at this time claiming rights in the Choctaw lands Indian Territory, for this child under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribal authorities at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country which constituted the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation West of the Mississippi River. At the time the treaty was made some of these Choctaws did not want to come to this new Country but preferred to remain in that old Choctaw Nation and for the benefit of this class of Indians that article was made a part of the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi or Alabama and receive lands from the government under its provisions, he should within six months after the treaty was ratified by Congress, Congress ratifying the treaty on the 24th day of February 1831, signify to the government agent in Mississippi his intention to remain and take lands under the treaty. He would then be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and if he had a child in his family unmarried and over ten years of age he was entitled to one half that quantity or three hundred and twenty acres for that child and for each child under ten years of age he was entitled to one quarter section or one hundred and sixty acres. The reservation of the children to adjoin the reservation of the parent and this reservation to include any improvements the head of the family owned at the time the treaty was ratified, the 27th of September 1830. This fourteenth article also required

that in case a Choctaw received land from the government he should reside upon that land for a term of five years after which time the government would give him a title in fee simple enabling him to dispose of the land at his pleasure. The last clause of this fourteenth article reads as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation in Mississippi or Alabama and accepted land under this article and resided upon the same for five years did not forfeit his right to citizenship in the New Choctaw Nation Indian Territory but, did forfeit any right he might have to share in the Choctaw annuities. Annuities were moneys paid to the Choctaw tribe of Indians by the United States government under treaty provisions.

- Q Do you think you understand that article as read and explained to you? A I can understand it some.
- Q If you do not understand it say so and I will endeavor to explain it to you so that you will understand it? A Well I don't know.
- Q You make your claim under that article for your child? A Yes I reckon that would be best.
- Q What is the name of the ancestor of this child who lived in Mississippi in the old Choctaw Nation at the time this treaty was made, September twenty-seventh, eighteen hundred and thirty? Samuel J. Long, he was my son's great grandfather.
- Q Was Samuel J. Long married and the head of a family in 1830? A Yes sir; his wife died at my son's grandfather's.
- Q They resided in Mississippi in 1830? A Yes sir.
- Q Was Samuel J. Long recognized as a member of the Choctaw tribe of Indians at that time? A Well I should not tell you.
- Q Did any of the Choctaw ancestors of Joseph Cowan own an improvement at the time this treaty was made in what constituted the old Choctaw Nation in Mississippi or Alabama? A Well I reckon his great grandfather Samuel J. Long.
- Q You reckon he did? A Yes sir I reckon so.
- Q You have no proof that he owned any improved lands or any improvements on land? A I reckon he did.
- Q Can you produce any proof that he did? A Well Mary Ann Denton, Robert Long, Jim Long, I reckon would be proof.
- Q Who are these people you have named? A My wife's sister and brothers.
- Q Do they know that Samuel J. Long owned improvements in what constituted the old Choctaw Nation in Mississippi or Alabama? A I reckon so.
- Q Well do you know of any proof that they have? A They claim proof.
- Q What kind of proof do they claim to have; have they got any deeds or patents or any other evidence of any kind to show that he owned any houses in the old Choctaw Nation? A I think that they had a witness.
- Q What is that witnesses' name? A I done forgot his name; he live in the Choctaw Nation; it is an old darkey.
- Q You have no proof that Samuel J. Long owned an improvement in what constituted the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A No sir.
- Q Did any of the Choctaw ancestors of this child, Joseph Cowan remove from the old Choctaw Nation in Mississippi or Alabama to



the New Choctaw Nation, Indian Territory between the years 1833 and 1838 when the emigration of the Choctaws took place? A Not that I know of.

- Q Did any of the Choctaw ancestors of Joseph Cowan, within six months after the ratification of this treaty, within six months from the 24th day of February 1831, go before the government agent there in Mississippi and tell him that they wanted to stay in Mississippi and take land as Choctaw Indians under article fourteen? A Well I could not say myself.
- Q Did any of the Choctaw ancestors of Joseph Cowan ever receive any land in the old Choctaw Nation in Mississippi or Alabama from the United States government as Choctaw Indians? A Well I could not say.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in the old Choctaw Nation and become citizens of the States, and who wanted to accept land under its provisions. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation and become citizens and take land. On this account in many instances the land upon which the Choctaws owned improvements and which they desired reserved for them was sold by the United States government and the Choctaws lost their land. This caused a great many complaints to be made by the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. These Commissions went to Mississippi and investigated a great number of claims, some of them they allowed and some were rejected. Of the claims allowed by the Commissions after approved by the Secretary of War and the President if the land had not been sold at the public land sales the Indians were put into possession of it; if however the land had been sold and the Choctaws had established their claims to this land they were given scrip under which they could locate on vacant public lands in Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of the Choctaw ancestors of Joseph Cowan ever appear before any of these commissions and attempt to establish their claims to lands under article fourteen of the treaty of 1830? A A I could not say; I don't know.
- Q Did any of the Choctaw ancestors of Joseph Cowan ever receive any scrip from the United States government for lands to which they had established their claims before these Commissions? A Not that I know of.
- Q Did any of the Choctaw ancestors of Joseph Cowan own any land in Mississippi, Alabama, Louisiana or Arkansas? A His grandfather owned some land.
- Q He is claiming through his great grandfather? A Yes sir I think that is where they get the claim from the great grandfather, Samuel J. Long.
- Q You say Joseph Cowan gets his Choctaw blood from his mother Fannie Cowan? A Yes sir.
- Q Who did Fannie Cowan get her Choctaw blood from? A From John Long.
- Q Was John Long her father? A Yes sir.
- Q Who did John Long get his Choctaw blood from? A From Samuel J. Long.
- Q How was John Long, your wife's father, married and the head of a family in 1830? A Yes I reckon he was.

- Q You don't want to reckon about this; you want to know positively. You have testified that your wife was forty eight years of age. Did she have any brothers or sisters older than she? A Yes sir.
- Q How old would her eldest brother or sister be if they were living now? A I could not say how old they would be.
- Q Do you know when John Long and his wife were married? A No sir.
- Q Where did John Long die? A He died in Mississippi.
- Q What year? A I don't know that.
- Q You know how old he was when he died? A I think I have heard them say that he was seventy or something or eighty.
- Q Do you know how long he has been dead? A Well I could not say I don't know just how long he has been dead.
- Q To the best of your recollection what year did he die in? A I could not say.
- Q You knew John Long did you? A I never saw him; my wife moved to Texas,----the family moved there.
- Q What year did they move there? A In eighty seven I believe it was.
- Q Was John Long living at that time? A No sir.
- Q He died before eighty seven? A Yes sir.
- Q And he was about seventy or eighty years old? A Some where along there.
- Q You think to the best of your knowledge John Long was married and the head of a family in 1830? A Yes sir.
- Q Did John Long own any lands in Mississippi or Alabama in what constituted the old Choctaw Nation at the time this treaty was made? A Not that I knew of.
- Q Did John Long go before the Indian Agent in Mississippi within six months after this treaty was ratified and signify his intention to stay in Mississippi and take land there under the provisions of this fourteenth article of this treaty? A I could not say.
- Q Did he comply or attempt to comply with the provisions of the fourteenth article of this treaty? A I could not say.
- Q Do you know of any witnesses that you could bring before this Commission to testify that any of the Choctaw ancestors of Joseph Cowan ever complied with or attempted to comply with the provisions of this fourteenth article of this treaty? A Brothers and sister they came up here and made application.
- Q Then you don't know of any witnesses that you could bring before the Commission to testify that they complied with the provisions of this fourteenth article; by compliance I mean that they went before the government agent in Mississippi and told him that they wanted to stay in Mississippi and take land there under the fourteenth article of this treaty; do you know of any witnesses who could testify that they did this? A No sir.
- Q Do you know of the existence of any written evidence, papers of any kind, deeds or patents to show that any of the ancestors of Joseph Cowan ever complied with or attempted to comply with any of the provisions of article fourteen of this treaty? A No sir.
- Q Did any of the Choctaw ancestors of Joseph Cowan ever receive any benefits as Choctaw Indians? A Not that I know of.
- Q Were any of the Choctaw ancestors of Joseph Cowan ever recognized members of the Choctaw tribe of Indians? A I could not say.
- Q Have you any written evidence that you desire to offer in support of this application? A No sir.
- Q Do you know the names of any relatives who have been before this Commission and applied for identification as Mississippi Choctaws? A Yes sir.
- Q What are their names? A Robert Long.
- Q What relation is Robert Long to Joseph Cowan? A His uncle.
- Q Any others? A James Long, Mary Ann Danton.
- Q What relation is James Long to Joseph Cowan? A Uncle.

#6

- Q What relation is Mary Ann Denton? A Aunt.  
Q Joseph Cowan gets his Choctaw blood from the same source that these parties do? A Yes sir.  
Q You desire the evidence taken in their cases to be considered as part of the evidence in his case? A Yes sir.  
Q Does this child of yours, Joseph Cowan speak or understand the Choctaw language? A No sir.  
Q Is there any other statement that you desire to make now? A No sir not that I know of.  
Q Mr. Cowan have you legal evidence of the marriage between yourself and your wife? A Not with be but I can get it.

It will be necessary that you furnish the Commission with legal evidence of the marriage between yourself and your wife Fannie Cowan in support of this application. You can do this by filing the original marriage license and certificate or a certified copy of the same. A reasonable time will be allowed you to do this.

- Q A Can I send it by the mail?  
Q Yes sir you can send it through the mail.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 6th 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 7th day of January 1902.

*Clara Mitchell Wood*

Notary Public.

M.C.R. 4457

COPY.

Muskogee, Indian Territory, September 3, 1902.

Joseph Cowan,  
DeKalb, Texas,

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ann Denton, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Mary Ann Denton, et al.,    | M.C.R. 4254 |
| Emma Brown, et al.,         | " 4256      |
| Ilah Finucane,              | " 4260      |
| Iuna Knight, et al.,        | " 4264      |
| Beula Kendrick,             | " 4265      |
| Eugenia Brooks, et al.,     | " 4258      |
| Troy Knight, et al.,        | " 4263      |
| Andrew J. Denton, et al.,   | " 4258      |
| Pearl Strickland, et al.,   | " 4252      |
| Ella Shaw, et al.,          | " 4257      |
| Alice McDonald, et al.,     | " 4259      |
| William C. Francis, et al., | " 4263      |
| Joseph Cowan,               | " 4457      |
| Robert V. Long, et al.,     | " 4253      |
| James L. Long, et al.,      | " 4387      |

These applications were made under the provisions of the act of Congress of June 25, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw

3 C

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ann Denton, William F. Denton, Emma Brown, John Lee Brown, Mary A. Brown, Finis A. Brown, William H. Brown, Bula B. Brown, James H. Brown, Ola P. Brown, Jessie Brown, Winnie M. Brown, Ilah Finucane, Iuna Knight, Buel Knight, Bruce Knight, Deed Knight, Bowie Knight, Barnie Knight, Banner Knight, Boula Kendrick, Eugenia Brooks, Hollis Brooks, Ellis I. Brooks, Minnie M. Brooks, Moses C. Brooks, Effie Pearl Brooks, William A. Brooks, Major M. Brooks, Leice Brooks, Carrie Brooks, Trey Knight, Minnie Knight, Jehannie Knight, Cora Knight, Andrew J. Denton, Vernie L. Denton, Walter R. Denton, Pearl Strickland, Alta Strickland, Ella Shaw, Koreer H. Shaw, Alice McDonald, Willie McDonald, Iunia McDonald, Charlie M. McDonald, William C. Francis, Myrtle Francis, Joseph Cowan, Robert V. Long, Jimmie L. Long, Thomas F. Long, Zelma O. Long, Orville Platt Long, James L. Long, Eva Long, Emma Long and James F. Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*Tamm Kirby.*

Acting Chairman.

Registered.



COPY.

M.C.R. 4457

Muskogee, Indian Territory, February 14, 1903.

Joseph Cowan,

Muskogee, Texas.

Dear Sir:

You are hereby notified that on the 4th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ann Denton, et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

*Jame Bixby.*

Acting Chairman.

Muskogee, Indian Territory, July 28, 1902.

Thos. Cowan,

Beulah, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you advise the change of your post office address to Beulah, Texas. You also state that you have a chance to buy a man's improvements for your son Joseph Cowan and don't know whether it is right or not to make such purchase.

In reply you are informed that the records of the Commission show that on January 6, 1902, at Muskogee, Indian Territory, you made application for the identification of your minor son Joseph Cowan as a Mississippi Choctaw. The Commission has not at this time rendered any opinion or decision relative to the right of your son to be identified as a Mississippi Choctaw, but it is probable that such decision will be rendered sometime in the near future. Upon the rendition thereof you will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review. The present status of your son is that of an applicant for identification as a Mississippi Choctaw whose right to such identification has in no manner been determined.

T. C.--2.

Relative to the purchase of an improvement in the Choctaw Nation your attention is invited to the following provision of the act of Congress of May 31, 1900:

"Provided: That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation will in any manner accrue to an applicant for identification as a Mississippi Choctaw until duly identified as such by the Commission to the Five Civilized Tribes, and that in the case of your son he is not at this time entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The agreement recently entered into between the government of the United States and the Choctaw and Chickasaw Nations, as affirmed by the act of Congress approved July 1, 1902, further defines the limit of time in which duly identified Mississippi Choctaws must remove to and make settlement within the Choctaw-Chickasaw country in order to receive the benefits of such identification:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of



T. C.--3.

the act of Congress approved June 26, 1899 (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make proof of such settlement within the Choctaw-Chickasaw country, and upon the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

And further:

"When such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations."

This agreement is not effective at this time, being subject to ratification by the citizens of the two nations at a special election to be called by the chief executives of the tribes within one hundred and twenty days from July 1, 1902. We can not presume at this time to render you any opinion upon the probable identification of your son as a Mississippi Choctaw. We can only advise that the decision of the Commission will be rendered upon such

To: [illegible]

Reference is made to report of the application.

Very truly,  
[illegible]

Respectfully,  
[illegible] in Charge.

M C R 4251  
M C R 4457

Muskogee, Indian Territory, July 19, 1906.

Thos. Cowan,

Elwood, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, requesting to be advised if the Mary Ann Denton and Long claims are all right, as you desire to file on the Joseph Cowan claim.

In reply you are informed that the consolidated Mississippi Choctaw case of Mary Ann Denton, et al., in which is included the applications of several persons by the name of Long and also the application for the identification of Joseph Cowan, has been rejected both by the Commission to the Five Civilized Tribes and by the Secretary of the Interior.

However, there is now pending before the Secretary of the Interior a motion to reopen the above consolidated case, but no allotment can be made at this time in the name of Joseph Cowan.

Respectfully,

Commissioner.

M.C.R. 4457.

Muskogee, Indian Territory, September 26, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

You are hereby instructed to permit Joseph Cowan, a rejected applicant in the consolidated Mississippi Choctaw case of Mary Ann Denton, et al., in which case a motion for rehearing is now pending before the Department, to designate his prospective allotment, in accordance with instructions heretofore furnished your office relative to cases of this character.

Respectfully,

Commissioner.

M.C.R. 4457.

Muskogee, Indian Territory, September 26, 1906.

Joseph Cewan,

Elwood, Texas.

Dear Sir:

Replying to your letter of the 13th instant, you are advised that the Chickasaw Land Office at Ardmore, Indian Territory, has this day been instructed to permit you, in person or by petition, to designate the lands upon which you are the actual owner of improvements, and which you anticipate selecting as your allotment in the event you are finally identified as a Mississippi Choctaw.

Respectfully,

Commissioner.

M.C.R.-4457

Muskogee, Indian Territory, January 10, 1907.

Joseph Gowan,

Elwood, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on December 28, 1906, denied a petition filed with this office June 14, 1906, by Robert V. Long, of Sulphur, Indian Territory, for a rehearing of the consolidated Mississippi Ghostaw case of Mary Ann Denton, et al.

Respectfully,

Commissioner.

No. 4137

For Identification as a Mississippi Choctaw.

Date JAN -6 1902

Name ~~Joseph~~ Joseph Cowan

Age ~~5~~ 12 Blood Don't know

Post Office, McHale Texas

Father: Thomas Cowan ✓

Mother: Fannie Cowan

Oral

Claims through mother

Application by,  
Thomas Cowan Father

Children:

G. Rosemeier



Choctaw MCR 4458

Robert E. I Kard

See MCR 762

MCR 4458



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 2, 1902.

4458

In the matter of the application for identification as a  
Mississippi Choctaw of Robert E. Ikard.

Applicant represented by attorney J. E. Arnold.

Robert E. Ikard being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Robert E. Ikard.  
Q How old are you? A Twenty-six.  
Q How much Choctaw blood do you claim to have? A One-sixteenth.  
Q What is your post office address? A Sugden.  
Q Where? A Indian territory.  
Q Is your father living? A Yes sir.  
Q What is his name? A Lafayette E. Ikard.  
Q How old is your father? A Sixty-two---sixty-three.  
Q Is your mother living? A No sir.  
Q What was her name? A Malinda Wright.  
Q How old would your mother be if she were living? A I don't  
knew sir.  
Q What year did she die? A Eighty-nine.  
Q Do you know how old she was when she died? A No sir.  
Q Through which one of your parents do you claim Choctaw blood? A  
My father.  
Q Has your father ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians, in Indian Territory,  
by the Choctaw tribal authorities or the authorities of the  
United States? A No sir.  
Q Were your father and mother legally married? A Yes sir.  
Q Where did they marry? A Weatherford, Texas.  
Q When were they married, what year? A I don't know what year.  
Q Were they married under a marriage license? A Yes sir.  
Q By a minister or official? A I don't know.  
Q Have you legal evidence of the marriage of your father and  
mother?

By attorney:

I expect it is in the application of his father.

A See if it is not.

Reference is here made to M.C.R.-762, Lafayette E. Ikard et al.,  
The record in this case examined and evidence of the marriage  
between Lafayette E. Ikard and Malinda Wright is filed in this  
case.

- Q Lafayette E. Ikard who appeared before this Commission, at  
Muskogee, Indian Territory, on September 21, 1900 and made  
application for the identification of himself and three minor  
children as Mississippi Choctaws, is your father, is he? A  
Yes sir.  
Q You desire the evidence in his case considered as part of the  
evidence in your case? A Yes sir.

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- Q Are you married? A No sir.
- Q Then this application is for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation, in Indian Territory? A No sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities, in Indian Territory, to be enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before this Commission at this time claiming rights in the Choctaw lands, Indian Territory, under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, concluded on September the 27th between the United States government and the Choctaw tribe of Indians? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September eighteen hundred and thirty. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama, lying along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the old Choctaw Nation in Mississippi and Alabama to a new country west of the Mississippi River. At the time this treaty was made some of the Choctaws did not want to remove from this old Choctaw Nation to the new Choctaw Nation, but, preferred to remain in Mississippi in what constituted the old Choctaw Nation and for the benefit of this class of Indians, article fourteen was made a part of the treaty of eighteen hundred and thirty. That article reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and, a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article means, that in case a Choctaw desired to remain in the old Choctaw Nation and accept land under its provisions, he should within six months from the time the treaty was ratified, the treaty being ratified by Congress on the 24th day of February eighteen hundred and thirty one, go before the govern-

ment agent in Mississippi and signify to him that he wanted to remain in the State and become a citizen of the States and accept land from the United States government under the provisions of this article. After having done that he was entitled to a reservation of one section of six hundred and forty acres of land and for each child in his family over ten years of age and unmarried he was entitled to one half section or three hundred and twenty acres of land and one quarter section or one hundred and sixty acres for each child in his family under ten years of age; the reservations of the children to adjoin the reservation of the parent and this reservation to include any improvements that the head of the family owned at the time of the conclusion of the treaty, September twenty seventh, eighteen hundred and thirty. It also required that when a Choctaw received this land he should reside upon it for a term of five years after which time the government would give him a title in fee simple, enabling him to dispose of the land at his pleasure. The last clause of this article is, as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation and complied with all the requirements of this article by going before the Agent and signifying his intention of remaining in the State and accepting lands and living on these lands for five years, did not by so doing forfeit his right to citizenship in the new Choctaw Nation, Indian territory; he did however forfeit any right to claim any portion of the Choctaw annuities. Annuities were moneys paid to the Choctaw tribe of Indians by the government of the United States under treaty provisions.

- Q Do you think you understand that article as read and explained to you? A I think so.
- Q What was the name of your ancestor who resided in the Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A Tubb.
- Q Full name? A Isabella Tubb.
- Q Was Isabella Tubb a recognized member of the Choctaw tribe of Indians at that time? A I don't know sir.
- Q Was Isabella Tubb married and the head of a family at that time? A I don't know.
- Q What relation was Isabella Tubb to you? A My grandmother.
- Q You claim your Choctaw blood through your father Lafayette E. Ikard? A Yes sir.
- Q Who does he get his Choctaw blood from? A His mother.
- Q What was her name? A Isabella Tubb.
- Q Did your father have any brothers or sisters older than he was? A No sir.
- Q Was he the oldest child? A Yes sir.
- Q Do you know anything about your ancestor Isabella Tubb? A No sir.
- Q How much Choctaw blood was Isabella Tubb possessed of? A One quarter.
- Q You don't know who she got her Choctaw blood from? A No sir.
- Q Did this ancestor of your's own an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama at the time this treaty was concluded? A I don't know sir.
- Q Did any of your ancestors remove from the old Choctaw Nation, Mississippi or Alabama, to the new Choctaw Nation, Indian Terri-

tory between the years 1833 and 1838 at the time of the emigration of the Choctaws to the New Country? A I don't know sir.

- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty, that is six months from the 24th day of February 1831, go before the government agent there in Mississippi and tell him that they wanted to take land there under the provisions of this fourteenth article? A I don't know sir.
- Q Did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians? A I don't know.

In accordance with the provisions of the fourteenth article the government directed an agent in Mississippi to register the names of all those Choctaws who wanted to remain in the old Choctaw Nation and wanted to become citizens of the States and wanted to take land under its provisions. The records of the government show that this agent failed to register the names of a great many Choctaws who really did go before him and signify their intention to take advantage of the provisions of article fourteen. On this account in many instances the land upon which the Choctaw Indians had improvements and which they desired reserved for them was sold by the government. This action of the Indian Agent caused many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the State of Mississippi and investigate these claims; a great number of claims were investigated, some were allowed and some rejected. Of the claims allowed by the Commissions after approved by the Secretary of War and by the President if the land which the Indians claimed had not been sold they were put in possession of it; if, however the land had been sold and these Choctaws who claimed the land had established their claims before these Commissions they were given scrip in lieu of the land that had been sold. Under this scrip they could locate land on vacant government lands in Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish any claims to lands which they claimed under article fourteen? A I don't know sir.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government for land that had been sold by the government? A I don't know sir.
- Q Did any of the Choctaw ancestors of yours own any land in the States of Mississippi, Arkansas, Louisiana or Alabama? A I don't know sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No sir not as far as I know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.
- Q Do you know of any witnesses you can bring before the Commission to testify that any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of this fourteenth article? A No sir.
- Q Do you know of the existence of any written evidence, documents of any kind, deeds or patents that would go to show that your ancestors ever complied with this article of the treaty? A No sir.
- Q Have you any written evidence you desire to offer at this time in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

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This applicant has brown hair, gray eyes, florid complexion, the features and appearance of a person of white parentage. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 8th 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 7th day of January 1902.

*Clara Mitchell Wood*

Notary Public.



COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4488

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Robert E. Ikard,

Bugden, Indian Territory.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearte, et al.     | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |

|                               |               |
|-------------------------------|---------------|
| Mattie E. King, et al.        | M. C. R. 5727 |
| Amma Wamble, et al.           | M. C. R. 5438 |
| Hugh S. Moore, et al.         | M. C. R. 5729 |
| George H. Moore               | M. C. R. 5730 |
| Fannie B. Waltrip             | M. C. R. 5728 |
| Marcellus Moore, et al.       | M. C. R. 5221 |
| Itylene Posey, et al.         | M. C. R. 5226 |
| Irene Burleson, et al.        | M. C. R. 5225 |
| Benjamin F. Moore, et al.     | M. C. R. 5231 |
| John H. Moore                 | M. C. R. 5233 |
| George W. Moore               | M. C. R. 5234 |
| Frank E. Moore                | M. C. R. 5232 |
| Ula Rebecca Moore             | M. C. R. 5230 |
| Lydia J. Singleton, et al.    | M. C. R. 5135 |
| Alice M. Godfrey, et al.      | M. C. R. 5229 |
| Lee O. Moore, et al.          | M. C. R. 5137 |
| Sallie W. Roberts, et al.     | M. C. R. 5228 |
| George Newton Whipple, et al. | M. C. R. 5223 |
| Annie G. Wilson, et al.       | M. C. R. 5919 |
| William Alexander Moore       | M. C. R. 5906 |
| Richard P. Moore              | M. C. R. 5925 |
| Lydia A. Sheppard             | M. C. R. 5918 |
| Robert Lee Moore, et al.      | M. C. R. 5922 |
| John A. Moore, et al.         | M. C. R. 5923 |
| Glen M. Robinson              | M. C. R. 5924 |
| Ida Robinson, et al.          | M. C. R. 5917 |
| Aylmer Moore, et al.          | M. C. R. 5705 |
| Lydia E. Moore                | M. C. R. 5709 |
| Fannie Adella Moore           | M. C. R. 5710 |
| Jane A. Moore                 | M. C. R. 5711 |
| William G. Tubbs, et al.      | M. C. R. 5712 |
| Belle Ikard                   | M. C. R. 765  |
| Robert E. Ikard               | M. C. R. 4458 |
| Willie May Ikard              | M. C. R. 4459 |
| Elisha F. Ikard               | M. C. R. 779  |
| John M. Ikard, et al.         | M. C. R. 457  |
| Eugene F. Ikard, et al.       | M. C. R. 776  |
| Suewillie Ikard Camuse        | M. C. R. 784  |
| Cleo Ikard Harris, et al.     | M. C. R. 781  |
| Lucile Ikard                  | M. C. R. 786  |
| William S. Ikard, et al.      | M. C. R. 5718 |
| Milton Ikard, et al.          | M. C. R. 767  |
| William E. Ikard, et al.      | M. C. R. 760  |
| Ella Harris, et al.           | M. C. R. 4894 |
| Sallie E. Johnson             | M. C. R. 5237 |
| Thomas J. Cole, et al.        | M. C. R. 5075 |
| Jennie O. Hipp, et al.        | M. C. R. 5134 |

|                              |               |
|------------------------------|---------------|
| William E. Stainback         | M. C. R. 4831 |
| Thomas G. Cole, et al.       | M. C. R. 5074 |
| Alma Cole Speer, et al.      | M. C. R. 5140 |
| Clyde Orr                    | M. C. R. 5139 |
| Lu Blakeney, et al.          | M. C. R. 5138 |
| Beulah D. Herrin             | M. C. R. 5238 |
| Caleb G. Tubb, et al.        | M. C. R. 4338 |
| Mattie A. Tubb Johnson       | M. C. R. 4333 |
| James F. Tubb, et al.        | M. C. R. 4340 |
| Daniel W. Tubb               | M. C. R. 4343 |
| Lucius J. Tubb, et al.       | M. C. R. 4344 |
| Mary I. Sawyer, et al.       | M. C. R. 4332 |
| William F. Pendleton, et al. | M. C. R. 6314 |
| Jesse C. Pendleton, et al.   | M. C. R. 6315 |
| Caswell A. Reynolds          | M. C. R. 6316 |
| Tucker R. Tierce             | M. C. R. 6317 |
| Louie T. Pendleton, et al.   | M. C. R. 6318 |
| Julius Watson, et al.        | M. C. R. 6319 |
| George R. Pendleton, et al.  | M. C. R. 6350 |
| Cornelia Pendleton, et al.   | M. C. R. 6447 |
| Jennie Alvina Ball, et al.   | M. C. R. 6448 |
| Clara Baggett                | M. C. R. 6484 |
| John D. Tubb, et al.         | M. C. R. 6485 |
| Aaron Moore, et al.          | M. C. R. 6501 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearde, Hattie C. Hearde, Mamie E. Hearde, Oliver Kenton Hearde, Ludora Hearde, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva



R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Ityiene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
SIGNED.

*Tame Bixby.*

Registered.

Chairman.

Mustang, Indian Territory, May 1, 1903.

Robert E. Ikard,  
Sugden, Indian Territory,

Dear Sir:

You are hereby notified that on the 19th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 4458

For Identification as a Mississippi Choctaw.

Date JAN -6 1902

Name Robert E. Hard

Age 26 Blood 1/16

Post Office, Chyden I.T.

Father: Lafayette E. Hard ✓

Mother: Malinda Wright 0225

Claims through father

Claims for self alone

Children:

Choctaw MCR 4459

Willie May IKard

See MCR 762

MCR 4459

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 6, 1902.

4459

in the matter of the application for identification as a  
Mississippi Choctaw of Willie May Ikard.

Applicant represented by attorney J. E. Arnold.

Willie May Ikard being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Willie May Ikard.  
Q How old are you? A Twenty-three.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q What is your post office address? A Sugden, Indian Territory.  
Q How long have you lived there? A About five months.  
Q Where did you live prior to that time? A Ryan, Indian Territory  
Q And where before Ryan? A Oklahoma.  
Q Born in Oklahoma? A No sir.  
Q Where were you born? A Texas.  
Q Then you lived in Texas, Oklahoma and the Indian Territory? A  
Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Lafayette E. Ikard.  
Q How old is he? A Sixty-three years old.  
Q Is your mother living? A No sir.  
Q What was your mother's name? A Malinda Wright.  
Q How old would your mother be if she were living now? A Fifty-  
five.  
Q Through which one of your parents do you claim Choctaw blood?  
A My father.  
Q Where does your father reside? A Sugden, Indian Territory.  
Q How long has he lived there? A Five months.  
Q Where did he live before that time? A Ryan, Indian Territory.  
Q And prior to Ryan? A Oklahoma.  
Q Before that? A Texas.  
Q Was he born in Texas? A No sir.  
Q Where was he borne? A Alabama.  
Q Did he move from Alabama to Texas? A No sir from Alabama to  
Mississippi and from Mississippi to Texas.  
Q Has your father ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians, in Indian Territory,  
by the Choctaw tribal authorities or the authorities of the  
United States? A No sir.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where were they married? A In Parker County, Texas.  
I don't know when.  
Q Were they married by a minister or official? A I don't know  
sir.  
Q Have you a copy of their marriage license and certificate at  
this time? A No sir.

By attorney:

The evidence of the marriage between Lafayette E. Ikard and  
Malinda Wright is filed in the case of Lafayette E. Ikard et al.,



#2

- Q Lafayette E. Ikard who you give as your father in this application is the same Lafayette E. Ikard who appeared before this Commission at Muskogee, Indian Territory, September 21, 1900, and applied for identification as a Mississippi Choctaw? A Yes sir.
- Q You desire the evidence in his case to be considered as part of the evidence in your case? A Yes sir.

Reference is here made to M. C. R. 762, Lafayette E. Ikard et al.

- Q Are you married? A No sir.
- Q Then this application is for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Dawes Commission to be admitted to citizenship in the Choctaw Nation under the law of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time, claiming rights in the Choctawlands, Indian Territory under the provisions of the fourteenth article of the treaty of 1830, concluded between the United States government and the Choctaw tribe of Indians on the 27th day of September of that year? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh day of September 1830. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from what constituted the old Choctaw Nation in Mississippi and Alabama to a New Country West of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to remove to this new Country but preferred to remain in the old Choctaw Nation and for the benefit of this class of Indians that article fourteen was made a part of the treaty. That article is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant

in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article means that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions, he should within six months from the ratification of the treaty by Congress, Congress ratifying the treaty on the 24th of February 1831 go before the government agent in Mississippi and signify to him, that is tell him that he wanted to remain in the old Choctaw Nation, Mississippi or Alabama and that he wanted to become a citizen of the States and wanted to take land under the provisions of that article. After having done this he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey and for each unmarried child in his family over ten years of age he was entitled to one half that quantity or three hundred and twenty acres of land for each child under ten years of age he was entitled to one quarter section of one hundred and sixty acres of land; the reservation of the children to adjoin that of the parents and this reservation to include any improvement the head of the family owned at the time of the conclusion of this treaty, that is September the 27th eighteen hundred and thirty. This article also required that after a Choctaw had signified his intention to remain in the old Choctaw Nation and become a citizen of the States and received land from the government under its provisions, he should reside upon this land for a period of five years after which time the government would give him a title in fee simple enabling him to dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Choctaw Nation in Mississippi or Alabama and accepted lands from the government and complied with all the requirements of this article by living on this land for five years he should not lose his right to citizenship in the Choctaw Nation, Indian Territory but he did lose all right to any part of the Choctaw annuities. Annuities were moneys paid to the Choctaws under treaty provisions with the government.

- Q Do you think you understand that article? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama at that time? A Isabella Tubbs.
- Q What relation was Isabella Tubbs to you? A My Grandmother.
- Q You claim your Choctaw blood through your father, who does your father get his Choctaw blood from? A His mother.
- Q Isabella Tubbs? A Yes sir.
- Q How much Choctaw blood was Isabella Tubbs possessed of? A One quarter.
- Q Was Isabella Tubbs married and the head of a family in 1830 at the time this treaty was made? A I don't know sir.
- Q Was Isabella Tubbs a recognized member of the Choctaw tribe of Indians at that time? A I don't know.



- Q Did Isabella Tubbs ever comply with or attempt to comply with any of the provisions of this fourteenth article? A I don't know.
- Q Did she own an improvement at that time on what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation, Indian Territory between the years 1833 and 1838 at the time of the emigration of the Choctaws to the New Choctaw Nation, Indian Territory? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of this treaty, within six months from the 24th of February 1831 go before the government agent in Mississippi and signify their intention of remaining in Mississippi and complying with the provisions of this fourteenth article of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government as Choctaw Indians? A No sir not that I know of.

In accordance with the provisions of the fourteenth article the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in the old Choctaw Nation and wanted to become citizens of the States and take advantage of the provisions of this article. The records of the government show that this agent failed to register a great many Choctaws who really did appear before him and signified to him their intention to stay in the old Choctaw Nation. On this account the land upon which the Indians owned improvements and which they desired reserved for them was sold by the government at the public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the State of Mississippi and investigate these claims. These Commissions investigated a number of claims some of which they allowed and others were rejected. Of the claims allowed after approved by the Secretary of War and by the President if the lands had not been sold by the government the Indians were put in possession of them. If however the land which the Indians claimed and to which they had established their rights had been sold they were given scrip. Under this scrip they were entitled to select land from vacant government lands in the states of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish their claims to lands under the fourteenth article of this treaty? A No sir not that I know of.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government through any of these Commissions? A No sir not that I know of.
- Q Did any of your Choctaw ancestors own any land in the states of Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.
- Q Do you know of any witnesses that you can bring before the Commission who can testify that any of your ancestors complied with or attempted to comply with any of the provisions of ar-

- Article fourteen? A No sir.
- Q Do you know of the existence of any written evidence such as deeds to land or patents to land that would tend to show that any of your ancestors complied with or attempted to comply with any of these provisions of article fourteen? A No sir.
- Q Have you any witnesses you want to introduce before the Commission to-day? A No sir.
- Q Have you any written evidence, any papers of any kind that you want to file with the Commission to day in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has light brown curly hair, gray eyes, medium fair complexion. Her features and general appearance are those of a person of white parentage. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 6th 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 8th day of January 1902

*Christie Wood*  
Notary Public.

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4489

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Willie May Ikard,

Bugden, Ind. Ter.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |               |
|----------------------------|---------------|
| Lafayette E. Ikard, et al. | M. C. R. 762  |
| Elisha W. Petty, et al.    | M. C. R. 5142 |
| Lula P. Hearste, et al.    | M. C. R. 4334 |
| Cornella Tackett, et al.   | M. C. R. 4553 |
| Anna Patterson, et al.     | M. C. R. 4647 |
| Eula Grayson Hodges        | M. C. R. 5141 |
| Coleta E. Lanier, et al.   | M. C. R. 5945 |
| Earnest V. Grayson         | M. C. R. 5944 |
| Alfred M. Petty            | M. C. R. 5123 |
| Sam H. Petty, et al.       | M. C. R. 5143 |
| Elisha Petty               | M. C. R. 5704 |
| James R. Petty, et al.     | M. C. R. 5706 |
| Fannie Baggett             | M. C. R. 5708 |
| Shellburn Petty, et al.    | M. C. R. 5707 |
| Samantha E. Terry, et al.  | M. C. R. 4336 |
| Robert E. Terry            | M. C. R. 4339 |
| Thomas R. Terry            | M. C. R. 5437 |
| Edward L. Terry            | M. C. R. 5441 |
| Kate Terry                 | M. C. R. 5439 |
| Henry H. Terry, Jr.,       | M. C. R. 5440 |
| James D. Reed, et al.      | M. C. R. 4341 |
| Charlie C. Reed            | M. C. R. 5943 |
| David Reed, et al.         | M. C. R. 4342 |
| George A. Tubb, et al.     | M. C. R. 4337 |
| George W. Moore, et al.    | M. C. R. 5916 |
| Ellen O. Tullis, et al.    | M. C. R. 5921 |
| Jesse M. Watson, et al.    | M. C. R. 5754 |
| Cordelia S. Sheppard       | M. C. R. 5920 |
| Fannie Sewell              | M. C. R. 5224 |
| William E. Sewell          | M. C. R. 5236 |
| James E. Sewell            | M. C. R. 5222 |
| Fannie E. Wilson, et al.   | M. C. R. 5227 |
| John A. Moore, et al.      | M. C. R. 5235 |

|                               |               |
|-------------------------------|---------------|
| Mattie E. King, et al.        | M. C. R. 5727 |
| Amma Wamble, et al.           | M. C. R. 5438 |
| Hugh S. Moore, et al.         | M. C. R. 5729 |
| George H. Moore               | M. C. R. 5730 |
| Fannie B. Waltrip             | M. C. R. 5728 |
| Marcellus Moore, et al.       | M. C. R. 5221 |
| Itylene Posey, et al.         | M. C. R. 5226 |
| Irene Burleson, et al.        | M. C. R. 5225 |
| Benjamin F. Moore, et al.     | M. C. R. 5231 |
| John H. Moore                 | M. C. R. 5233 |
| George W. Moore               | M. C. R. 5234 |
| Frank E. Moore                | M. C. R. 5232 |
| Ula Rebecca Moore             | M. C. R. 5230 |
| Lydia J. Singleton, et al.    | M. C. R. 5135 |
| Alice M. Godfrey, et al.      | M. C. R. 5229 |
| Lee O. Moore, et al.          | M. C. R. 5137 |
| Sallie W. Roberts, et al.     | M. C. R. 5228 |
| George Newton Whipple, et al. | M. C. R. 5223 |
| Annie G. Wilson, et al.       | M. C. R. 5919 |
| William Alexander Moore       | M. C. R. 5906 |
| Richard P. Moore              | M. C. R. 5925 |
| Lydia A. Sheppard             | M. C. R. 5918 |
| Robert Lee Moore, et al.      | M. C. R. 5922 |
| John A. Moore, et al.         | M. C. R. 5923 |
| Glen M. Robinson              | M. C. R. 5924 |
| Ida Robinson, et al.          | M. C. R. 5917 |
| Aylmer Moore, et al.          | M. C. R. 5705 |
| Lydia E. Moore                | M. C. R. 5709 |
| Fannie Adella Moore           | M. C. R. 5710 |
| Jane A. Moore                 | M. C. R. 5711 |
| William G. Tubb, et al.       | M. C. R. 5712 |
| Belle Ikard                   | M. C. R. 765  |
| Robert E. Ikard               | M. C. R. 4458 |
| Willie May Ikard              | M. C. R. 4459 |
| Elisha F. Ikard               | M. C. R. 779  |
| John M. Ikard, et al.         | M. C. R. 457  |
| Eugene F. Ikard, et al.       | M. C. R. 776  |
| Suewillie Ikard Camuse        | M. C. R. 784  |
| Cleo Ikard Harris, et al.     | M. C. R. 781  |
| Lucile Ikard                  | M. C. R. 786  |
| William S. Ikard, et al.      | M. C. R. 5718 |
| Milton Ikard, et al.          | M. C. R. 767  |
| William E. Ikard, et al.      | M. C. R. 760  |
| Ella Harris, et al.           | M. C. R. 4894 |
| Sallie E. Johnson             | M. C. R. 5237 |
| Thomas J. Cole, et al.        | M. C. R. 5075 |
| Jennie O. Hipp, et al.        | M. C. R. 5134 |

|                              |               |
|------------------------------|---------------|
| William E. Stainback         | M. C. R. 4831 |
| Thomas G. Cole, et al.       | M. C. R. 5074 |
| Alma Cole Speer, et al.      | M. C. R. 5140 |
| Clyde Orr                    | M. C. R. 5139 |
| Lu Blakeney, et al.          | M. C. R. 5138 |
| Beulah D. Herrin             | M. C. R. 5238 |
| Caleb G. Tubb, et al.        | M. C. R. 4338 |
| Mattie A. Tubb Johnson       | M. C. R. 4333 |
| James F. Tubb, et al.        | M. C. R. 4340 |
| Daniel W. Tubb               | M. C. R. 4343 |
| Lucius J. Tubb, et al.       | M. C. R. 4344 |
| Mary I. Sawyer, et al.       | M. C. R. 4332 |
| William F. Pendleton, et al. | M. C. R. 6314 |
| Jesse C. Pendleton, et al.   | M. C. R. 6315 |
| Caswell A. Reynolds          | M. C. R. 6316 |
| Tucker R. Tierce             | M. C. R. 6317 |
| Louie T. Pendleton, et al.   | M. C. R. 6318 |
| Julius Watson, et al.        | M. C. R. 6319 |
| George R. Pendleton, et al.  | M. C. R. 6350 |
| Cornelia Pendleton, et al.   | M. C. R. 6447 |
| Jennie Alvina Ball, et al.   | M. C. R. 6448 |
| Clara Baggett                | M. C. R. 6484 |
| John D. Tubb, et al.         | M. C. R. 6485 |
| Aaron Moore, et al.          | M. C. R. 6501 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED)

*Tamé Bixby.*

Chairman.

Registered.



Mustang, Indian Territory, May 1, 1905.

Willie Ray Ihard,

Mustang, Indian Territory,

Dear Sir:

You are hereby notified that on the 18th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ihard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.



For Identification as a Mississippi Freedman.

Date JAN -6 1902

Name Willie Mary Hard

Age 22 Blood 1/16

Post Office, Snyder S. T.

Father: Lafayette E. Hard

Mother: Malinda Wright

Claims through Father

Claims for self alone.

Children:

Stenographer

G. Rosenwald

Choctaw MCR 4460

Manda Hunter

5061 Eulalia Robinson

4461 Fannie Williams

MCR 4460

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Manda Hunter, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of -

Manda Hunter, et al.,           M C R 4460  
Malalia Robinson, et al.,   M C R 5061  
Fannie Williams, et al.,   M C R 4461

List of papers forwarded to the Secretary of the Interior,  
comprising the record in the consolidated case of Manda  
Hunter, et al.

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#4460.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 7, 1902.

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In the matter of the application for identification  
as Mississippi Choctaws of Manda Hunter and her two minor children,  
Bettie Hunter and Charlie Hunter.

Applicant not represented by an attorney.

Manda Hunter, being first duly sworn, on her oath  
testified as follows:

Examination by the Commission:

- Q What is your name? A Manda Hunter.  
Q How old are you? A I am forty-four years old.  
Q How old? A Forty-four.  
Q How much Choctaw blood do you claim to have? A Half.  
Q What is your post office address? A Wynnewood.  
Q Is it in Indian Territory? A Yes sir.  
Q How long have you lived there? A We have been there---we have  
been there---we have not been there long---moved there---been  
about near a month.  
Q Where did you live before you moved to Wynnewood? A Texas.  
Q How long did you live in Texas? A I was raised up in Texas.  
Q Was you born there? A No sir.  
Q Where was you born? A Louisiana.  
Q Then you have lived in Louisiana, Texas and Indian Territory?  
A Yes sir.  
Q Indian Territory about one month? A Yes sir.  
Q That's in the Choctaw Nation, Indian Territory, is it?  
A That's Chickasaw.  
Q Chickasaw? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A My father?  
Q Yes? A He was named John Gilbert or Jim Gilbert. No sir, I  
made a mistake. My father's named Jim White.  
Q How old would your father be if living now? A My father was  
pretty old. As near as I could come to his age would be about  
sixty years old.  
Q If he was living now? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A She was named Julia White.  
Q How old would she be if living now? A Well, she would be fif-  
ty or somewhere about fifty years old.  
Q How much of your parents do you get your Choctaw blood  
from? A My mother.  
Q How much Choctaw blood did she have? A She was full. She was  
full blood.

Manda Hunter--2.

- Q Where was your mother born? A My mother was born in Mississippi.
- Q You know what part of Mississippi she was born in? A No sir.
- Q Where did she die? A My mother died in Texas.
- Q Do you know when she moved from Mississippi? A No sir, I couldn't tell when she moved from Mississippi.
- Q Did she live in Louisiana? A Yes sir.
- Q Do you know what part of Louisiana? A I think she lived near Shreveport.
- Q She moved from Louisiana to Texas where she died, did she?
- A Yes sir, she came from Louisiana with a family of white people by the name of Stallworth.
- Q Was your mother a slave? A No sir, I don't think she was.
- Q What race was your father? A My father was a negro I think.
- Q Was he a slave? A I don't know sir, whether he was or not. He was a negro. I can't recollect my father. I think he was-----
- Q What year did your mother die, do you know? A No sir, I don't know what year she died.
- Q Do you know what year your father died? A No sir, I was so small I can't recollect what year my father died.
- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A I don't know sir. I know she was full blooded Choctaw--Mississippi.
- Q She never lived in Indian Territory, you say? A No sir, not here in this Territory.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A Bill Hunter.
- Q What race is he? A I don't know hardly---he's a negro. He claims to have Indian in him. He says he's quarter.
- Q What kind of Indian blood does he claim? A I never did ask him, and I never heard him say.
- Q Is he considered a negro? A Yes sir.
- Q Have you any children who are under the age of twenty-one and unmarried for whom you want to make application at this time?
- A Yes sir.
- Q Give the names and ages of these children please? A The oldest one is twenty-three years old.
- Q That child will have to make application in person. I asked you for your children who are unmarried and under twenty-one?
- A The youngest ones--one of them is named----
- Q Commence with the oldest child under twenty-one and give their names? A The oldest one is twenty-three.
- Q I want the names of your children under twenty-one, commencing with the oldest under twenty-one? A Bettie.
- Q How old is Bettie? A She's fifteen.
- Q Any others? A Charlie.
- Q How old is Charlie? A He's ten.
- Q Well, the next one? A That's all I have under-----
- Q All you have under twenty-one? A Yes sir.
- Q Is Bill Hunter the father of these children? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q These children are living with you, are they? A Yes sir.
- Q Now give the names and ages of your children over twenty-one years of age? A Jim.



Manda Hunter--3.

- Q How old is Jim? A He's twenty-three.  
Q Is he married? A Yes sir.  
Q Has he got any children? A Yes sir.  
Q How many children has he got? A He has three.  
Q Can you give the names of his children? A Yes sir.  
Q Well, what are they? A The oldest one is named Vernet.  
Q How old is Vernet? A Three years old.  
Q Now give the name and age of the next one? A His name is Von Olandus.  
Q How old is Von? A He's two years old.  
Q The name of the next one? A Well, the next one is a little baby in its mother's arms. They haven't named it.  
Q Have you got any other children over twenty-one? A One.  
Q What is his name? A Tom.  
Q Is he married? A No sir.  
Q Got no family? A No sir.  
Q Is Bill Hunter the father of these two children also?  
A Yes sir.  
Q These two children who are over twenty-one, have they ever been before the Commission and made application for identification as Mississippi Choctaws? A No sir.  
Q Where do they live? A In Texas.  
Q Is your name, or the name of any of your children for whom you make application, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you or anyone for you or for your minor children, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.  
Q Did you or anyone for you or for your minor children, in the year 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.  
Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for the Indian Territory? A No sir.  
Q Have you ever made application prior to this time for yourself or your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.  
Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27th, 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi, on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama, lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to a new country west of the Mississippi river. At the time the treaty

Manda Hunter--4.

was made some of the Choctaws didn't want to go to this new country but wanted to remain in the old Choctaw Nation, and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw wanted to remain in the old Nation in Mississippi and Alabama, he should, within six months from the ratification of this treaty, go before the government Agent there and signify to him, that is, tell him that he wanted to stay in the old Nation and that he wanted to take lands under the provisions of this article. After doing that he was entitled, as the head of a family, to a section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family unmarried and over ten years of age, he was entitled to one half that quantity, or three hundred and twenty acres of land; and for each child under ten years of age he would be entitled to a quarter section, or one hundred and sixty acres of land, the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made. This Choctaw was also required to reside upon these lands for a term of five years, after which time the government would give him a title in fee simple, that is, give him a patent to the land, enabling him to dispose of the lands at his pleasure. Now this treaty was ratified on the 24th day of February, 1831, and Choctaws who wanted to remain in the old Nation and become citizens of the states and take lands under this article, were required to go before this Agent within six months from that time--six months from the 24th day of February, 1831. The last clause of that article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."



That means that in case a Choctaw remained in the old Nation and took lands under the provisions of this fourteenth Article, and resided upon the lands for five years, he did not forfeit his right to citizenship in the Choctaw nation in Indian Territory, but that he did forfeit any right to claim any portion of the Choctaw annuity. Annuities were money that was being paid to the Choctaw annually by the United States government under treaty provisions.

- Q Do you think you understand that article as read and explained to you? Think you understand it? A Yes sir.
- Q Now what is the name of your Choctaw ancestor who lived in Mississippi at the time this treaty was made? A Ambrous White.
- Q Was he a Choctaw Indian? A Yes sir, full blood.
- Q Now you say you claim your Choctaw blood from your mother Julia White; now what was her name before she married? A She was a Gilbert.
- Q Now who did she get her Choctaw blood from? A From her mother.
- Q What was her mother's name? A Mary.
- Q Mary White? A Yes sir, Annie Gilbert was her mother.
- Q Annie Gilbert was her mother? A Yes sir.
- Q Now who did your mother get her Choctaw blood from? A Mother and father.
- Q Give their names? A Give their names?
- Q Yes, what was your grandmother's name? A She was named Annie Gilbert.
- Q Was she a Choctaw Indian? A Yes sir.
- Q How much Choctaw did she have? A She was full--full blooded.
- Q Now you say she also got her Choctaw blood from her father?
- A Yes sir, they was both full bloods.
- Q What is this grandfather's name? A He was named John Gilbert.
- Q Who was Ambrous White? A He was my great-grandfather.
- Q Then your grandmother's name was White before she married Gilbert, was it? A Yes sir.
- Q Now was John Gilbert and Annie Gilbert married and the head of a family in the year 1830? A Yes sir, I think they was.
- Q Have you any proof of the fact that they were married and the head of a family in 1830? A I think I can get proof.
- Q What kind of proof can you get? A I can get proof---you mean what kind of proof?
- Q Yes; can you get any documentary or written papers to show that they were married in 1830? A No, I don't think I can.
- Q Do you know of any witnesses who could come before the Commission and testify that they were married in 1830? A Yes sir.
- Q What are the names of these witnesses? A I think I can get witnesses to answer to that effect.
- Q Then you feel certain that your grandfather and grandmother Gilbert were married and the head of a family in 1830?
- A Yes sir, I think they was.
- Q Did they live in Mississippi at that time--1830? A Yes sir.
- Q Were they recognized members of the Choctaw tribe of Indians in 1830? A Yes sir, I think they was.
- Q Did they own any improvements on what constituted the old Choctaw nation in Mississippi and Alabama at that time. My improvements I mean lands that had houses or fences on them, or was under cultivation? A I think so from what my mother said.

Manda Hunter--5.

- Q What did your mother say about lands they owned in Mississippi?  
A I have heard her say that she had a home in Mississippi after she come to Texas here. I have heard her say it lots of times.  
Q I want to know if your grandparents owned any lands in Mississippi? A Yes sir.  
Q How do you know they owned lands? A Well, I have heard my mother say it.  
Q That they owned lands? A Yes sir.  
Q Did you ever hear her say what part of Mississippi she came from, and where these lands were located? A No sir, I never heard her say.  
Q Do you know how your grandparents got these lands? Did they get it from the government as Choctaw Indians, or did they buy it? A I guess they got it from the government as Choctaw Indians.  
Q Think they got it from the government? A Yes sir.  
Q Have you got any proof to show that they got these lands from the government? A I think I can.  
Q Well, you must know. If you say they got it from the government we want to know if this is a fact? A Well, I am telling you the fact as near as I can, and I mean it.  
Q Well, if you mean this, how did you get this information that they owned lands in Mississippi? A From my mother.  
Q She told you? A Yes sir.  
Q Did she tell you they got it from the government as Choctaw Indians? A She might have said it, but I have forgotten it. I cant recollect all she said about it really. She used to talk a heap to us about it.  
Q Did your mother ever claim that she or her ancestors ever received any lands from the United States government as Choctaw Indians? A She just----I just recollect her saying she had a home in Mississippi.  
Q Did she tell you how her parents got that home in Mississippi?  
A No sir, not that I recollect of.

In accordance with the provisions of this fourteenth article, the government directed an Agent in Mississippi to register the names of all of the Choctaws who wanted to remain in the state and become citizens of the states, and who wanted to take lands under this article. The records of the government show that this Agent failed in a great many instances to register the names of a great many Choctaws who did really come before him and tell him they wanted to stay, and for this reason lands on which Choctaws had improvements and which they wanted to reserve for them, was sold by the United States government at its public land sales, and the Choctaws lost their lands. This caused a great many complaints to be made by the Choctaws, and these complaints finally reached Congress, and Congress, under various Acts, appointed Commissioners to go into the state of Mississippi and investigate these claims. The Commissioners investigated a number of claims; some of which they allowed, and others they rejected. Of the claims allowed, if the lands had not been sold by the government at its public land sales, the Indians were put in possession of the lands. If however, the lands which these Indians claimed and established rights to before these Commissions had been

Manda Hunter--7.

sold and they were dispossessed of their lands, they were given scrip, and under this scrip they were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Now did any of your Choctaw ancestors appear before any of these Commissions at any time and attempt to establish claims to lands which they claimed under article fourteen of this treaty?
- A Yes sir, I think they did.
- Q You think they did? A Yes sir.
- Q How did you get that information that makes you think they did?
- A Well, what makes me think it is from what my mother always said.
- Q Did she tell you that your ancestors, either your grandfather or grandmother, went before the Commissioners of the United States government and established claims to land which they were entitled to under the fourteenth article of this treaty?
- A She might have told me so, but I have forgotten it. All I can say is that she said she had land.
- Q That she had land? A Yes sir.
- Q Now your mother was not old enough to have land in her own name?
- A I guess she meant that her father and mother had land. She said she had a home.
- Q According to your statement your mother would be about fifty years of age now? A Yes sir, now.
- Q That would make her born in the year 1852? A Yes sir.
- Q That's fifty years ago, and that's twenty-two years after this treaty was made? (No answer)
- Q Did your mother tell you she had land in Mississippi as a Choctaw Indian? A She always told me she had a home there.
- Q How did she get this home there--your mother? A Through her parents I guess. I think that's the way she got it.
- Q Do you know whether these Choctaw ancestors of yours got this land that you claim they had, by paying for it in scrip which they got from the Commissioners? A No sir, I don't know that.
- Q You were born in Louisiana you say? A Yes sir.
- Q Did your parents own any land in Louisiana? A No sir.
- Q Now, if your mother's parents owned this land in Mississippi, how is it she was with white people? A Well, I don't know why. She just got with these people. They thought a heap of her and she followed them on to Texas. She just come to Texas with them. She said she wanted to travel. She just got with them and come on.
- Q Was your father living at that time? A No sir, my father was dead.
- Q You say your mother never was a slave? A No sir, I don't think she was a slave.
- Q And your father was never a slave? A I cant tell; I cant recollect my father.
- Q Were you ever a slave? A Not that I know of.
- Q You were born about the year 1858? A I don't know.
- Q Well, you say you were forty-four years of age; that would make you born about the year 1858? (No answer)
- Q That would make you about seven or eight years of age at the time the slaves were freed. Now do you recollect whether you were a slave at any time or not? A No sir, I never worked any-----I never was no slave.

Manda Hunter--8.

- Q Do you know of the existence of any documentary evidence, by documentary evidence I mean written evidence such as deeds or patents to lands, that would tend to show that your ancestors received any lands from the United States government as Choctaw Indians? A No sir.
- Q Do you know whether or not any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A Yes sir.
- Q They were? How how do you know that they were recognized members of the Choctaw tribe of Indians in 1830? A Because my mother said so.
- Q Then all you know about your ancestors complying with this fourteenth article, and them being recognized members of the Choctaw tribe of Indians in 1830, was told you by your mother, was it? A Yes sir.
- Q You have no other evidence than your own to submit to the Commission in support of your case, have you? A No sir.
- Q Do you know that you are applying for valuable property rights and that your own unsupported statement will carry little weight with it? A Sir?
- Q Do you know that you are applying for valuable property rights and that your unsupported statement will carry little weight with it, and that you must have proof of some kind to support this claim? A I think I can get proof.
- Q What kind of proof do you expect to get? A I think there is some people that knowed my parents.
- Q Why didn't you bring that evidence with you when you come here? A I didn't know---I never thought about it.
- Q Do you desire to offer any written evidence at this time in support of your case? A Sir?
- Q Do you desire to offer any papers in support of your case at this time? A No sir.
- Q Is there any other statement you want to make? A I have an adopted daughter there that I raised.
- Q Who is she the daughter of, your sister? A Yes sir.
- Q Full sister of yours? A Yes sir.
- Q Same father and same mother? A Yes sir.
- Q How old is this adopted daughter? A She's---I have got her age---twenty-seven.
- Q She will have to make application for herself? A Yes sir, she's twenty-seven.
- Q She's present here is she? She's here in the room? A Yes sir.

She will have to make application for herself.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black kinky hair, dark copper color, features and appearance of a person of mixed white and negro blood; negro blood predominating largely; doesn't speak or understand the Choctaw language; on examination claims her ancestors owned lands in Mississippi which they secured from the United States government as Choctaw Indians. No proof of



Manda Hunter--9.

This could be gained from the applicant, nor can the applicant produce any proof, oral or documentary, in support of her statement.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause taken on said date.

Subscribed and sworn to before me this 8th day of January, 1902.

*Clara Mitchell*

Notary Public.

EX  
Coll.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE NINE CIVILIZED TRIBES.

In the matter of the application of Manda Hunter, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of

Manda Hunter, et al.,  
Delania Robinson, et al.,  
Fannie Williams, et al.,

V C N 4460  
M S N 2841  
M C N 4461

--- D E C I S I O N ---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Manda Hunter for herself and her two minor children, Bettie  
and Charlie Hunter; by Delania Robinson for herself and her two  
minor children, Elmer and Nevada Robinson; and by Fannie Williams  
for herself and her two minor children, Dennis and Joyce Williams,  
under the following provision of the Act of Congress approved June  
22, 1906, (34 Stat., 506):

That Commission shall have authority to determine the  
identity of persons claiming rights in the share  
of the land ceded to the United States by the  
Treaty of 1830 between the United States and the  
Choctaw, Chickasaw and Creek Tribes, and to report to the  
Secretary of the Interior the results of its investigation.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Ambros (or Ambrose) (or Ambrose) White, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ambros (or Ambrose) (or Ambrose) White, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the act

of Congress approved March 3, 1857 (9 Stats., 269) and August 23, 1848 (5 Stats., 323).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Noah Hunter, Betty Hunter, Charlie Hunter, Malalia Robinson, Eliza Robinson, Nevada Robinson, Jennie Williams, Dennis Williams and Joyce Williams as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tamé Dixby.

ATTORNEY GENERAL.

SIGNED

T. B. Needles.

COMMISSIONER.

SIGNED

C. R. Breckinridge.

COMMISSIONER.

Mustang, Indian Territory.



Muskogee, Indian Territory, January 31, 1902.

William Hunter,

Wynnewood, Indian Territory,

Dear girl:

Receipt is hereby acknowledged of your letter of the twenty third instant, inclosing certified copy of marriage license and certificate of Matt William and Fannie Hunter; also certified copy of marriage license and certificate between William Hunt and Amanda Stallworth, and affidavit of Catherine Franklin for filing in support of the applications for identification as Mississippi Choctaws of Fannie Williams et al. and Manda Hunter, et al.

The affidavit of Catherine Franklin has been filed with the record in the case of Manda Hunter, et al. H.C. 4400. The marriage license and certificate of William Hunt and Amanda Stallworth is returned you herewith for the reason that the name of the husband of Amanda Stallworth appears in the marriage license and certificate as William Hunt and in the application made by Amanda Hunter, the name of her husband was given by her as William Hunter. Before this evidence of marriage can be filed in support of her claim it will be necessary to show why the name appears as Hunt in the marriage license and in her application it appears as Hunter.

W.H. 3

The marriage license and certificate between Matt Williams and Fannie Hunter is herewith returned for the reason that Fannie Hunter's name appears therein as Hunter, and in her application she states that her father's name was Huff. Before this certificate can be accepted by the Commission it will be necessary to show why this discrepancy appears. Her testimony does not show that she was ever married to a man named Hunter before she married Matt Williams.

Upon the return of the documents inclosed herewith, together with the information requested, the evidence of the marriage of Matt Williams and Fannie Hunter, and William Hunt and Amanda Stallworth will receive consideration.

The letter of the County Clerk is returned you herewith.

Yours truly,

Acting Chairman.

MC 4460  
MC 4461

MO 4460

Muskogee, Indian Territory, February 7, 1902.

William Hunter,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of James J. Jackson and certified copy of the marriage license and certificate between William Hunt and Amanda Stallworth. The affidavit of James J. Jackson has been filed with the marriage license and certificate, in order to explain the discrepancy in names, and the certified copy of marriage license and certificate, together with that affidavit, have been accepted as evidence of your marriage and have been filed in support of the application for identification as Mississippi Choctaws of Wanda Hunter, et al.

Yours truly,

Commissioner in Charge.

Miss Chootaw 4480.

Winkochee, Indian Territory, April 16, 1902.

Manda Hunter,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of marriage license and certificate between Q. H. Sinyard and Mattie Hunter, affidavit of Amanda Hunter that Mattie Sinyard is her daughter, and the affidavit of John W. Watson, a physician, to the inability of Mattie Sinyard to appear in person before the Commission as an applicant for identification as a Mississippi Choctaw.

The above named papers are returned herewith for the reason that it does not appear that any personal application has been made by or on behalf of Mattie Sinyard for identification as a Mississippi Choctaw; and, under the rules of the Commission, no evidence can be accepted in support of applications for identification as Mississippi Choctaws, until personal application has been made by or on behalf of the applicant.

Yours truly,

COPY.

M C R 4450

Muskogee, Indian Territory, December 8, 1902.

Kansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24 day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Manda Hunter, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |               |
|---------------------------|---------------|
| Manda Hunter, et al.,     | M. C. R. 4460 |
| Bulalia Robinson, et al., | M. C. R. 3061 |
| Fannie Williams, et al.,  | M. C. R. 4461 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Manda Hunter, Bettie Hunter, Charlie Hunter, Bulalia Robinson, Blass Robinson, Nevada Robinson, Fannie Williams, Dennis Williams and Joyce Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

H. McN. & C. 2.

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*Jane Bixby.*  
Acting Chairman.



File -  
COPY.

M. C. R. 4460

Muskogee, Indian Territory, December 2, 1902.

Nanda Hunter,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 21 day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nanda Hunter, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |               |
|---------------------------|---------------|
| Nanda Hunter, et al.,     | M. C. R. 4460 |
| Eulalia Robinson, et al., | M. C. R. 3061 |
| Fannie Williams, et al.,  | M. C. R. 4461 |

These applications were made under the provision of the act of Congress of June 23, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nanda Hunter, Bettie Hunter, Charlie Hunter, Eulalia Robinson, Eliza Robinson, Nevada Robinson, Fannie Williams, Dennis Williams and Joyce Williams as

M. H. 2.

Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of nineteen hundred and thirty, and that the applications for their identification of such should be received, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date of this order to file your arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Tams Bixby.*  
Acting Chairman.

Registered.



Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Manda Hunter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

|                           |             |
|---------------------------|-------------|
| Manda Hunter, et al.,     | M.C.R. 4460 |
| Eulalia Robinson, et al., | " 5051      |
| Fannie Williams, et al.,  | " 4461      |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs,

Enc. M.C.R. 4460.

*Tamm L. Dwyer*  
Acting Chairman

Muskogee, Indian Territory, January 3, 1903.

Ananda Hunter,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13th ultimo, in which you ask to be allowed further time within which to submit additional evidence in your case.

In reply, you are advised that the fifteen days from December 2d, 1902, heretofore granted you within which to file arguments in support of your claim, expired on December 17, 1902. On December 18, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and two minor children as Mississippi Choctaws was forwarded to the Secretary of the Interior. Pending action therein by him the Commission cannot receive or consider further evidence in your case.

You are further advised that the fifteen days granted applicants in Mississippi Choctaw cases, within which to file arguments in their cases are granted under specific instructions of the Secretary of the Interior, and can not be extended.

Respectfully,

Acting Chairman.

COPT.  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land 75821-1882.

June 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following: Manda Hunter for herself and her two minor children, Bettie and Charlie Hunter; Eualia Robinson for herself and her two minor children, Elsie and Ewarda Robinson; Fannie Williams for herself and her two minor children, Bennie and Joyce Williams, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Andrew, Andrew or Andrew White and John Gilbert and Annie Gilbert (nee White), it being claimed that they were Choctaw Indians and residents in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the

ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that the applicants are not enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Andrew, Andrew or Andrew White, John Gilbert and Annie Gilbert (nee White) and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any as Choctaw Indians.

These being the facts, it is the opinion of this office that the decision of the Commission rejecting the applicants, is correct and it is accordingly recommended for approval.

Very respectfully,

W. A. Jones,

Commissioner.

G. T. C.

COPY  
DEPARTMENT OF THE INTERIOR  
WASHINGTON

WCV  
EAV

D.C. 17889  
ITD. 8056-1903

June 20-1903.

IRS.

Commission to the Five Civilized Tribes,

Washoe, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Mauda Hunter and her minor children, Bettie and Charlie Hunter; of Malali Robinson and her minor children, Eliza and Nevada Robinson; and of Fannie Williams and her minor children, Dennis and Jayce Williams. By decision dated December 2, 1902, you refused the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Andrew or Andrew White and John Gilbert and Annie Gilbert, it being alleged that the said ancestors were Choctaw Indians and residents in Mississippi in 1830.

The evidence submitted in this case and the records of the Indian Office fail to show that the said ancestors, or either of them, complied or attempted to comply with article 14 of the treaty of 1830, or

-2-  
with either of the subsequent acts of Congress relating thereto.

Reporting June 22, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has reviewed the whole record and finds no reason to modify your decision; it is accordingly affirmed.

Respectfully,

(Signed) N. A. HITCHCOCK,  
Secretary.

1 inclosure.



N. C. R. 4460.

COPY:

Muskogee, Indian Territory, July 17, 1903.

Wansfield McNairy & Gornish,

Attorneys for the Cherokee and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 30th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Wanda Hunter et al., of which decision you were advised by mail on the 2nd day of December, 1902.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

M. C. R. 4400

COPY.

Muskogee, Indian Territory, July 17, 1903.

Manda Hunter,

Wynnewood, Indian Territory.

Dear Madam:-

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Manda Hunter et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



Muskogee, Indian Territory, March 5, 1906.

Bettie Carter,

Katie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, in which you ask if your enrollment is sufficient to file.

In reply you are informed it appears from the records of this office that the Secretary of the Interior on June 20, 1903, affirmed the decision of the Commission to the Five Civilized Tribes rendered December 2, 1902, refusing to identify as Mississippi Choctaws the following persons in the consolidated case of Manda Hunter, et al.:

Manda Hunter,  
Charlie Hunter,  
Elass Robinson,  
Fannie Williams,

Bettie Hunter,  
Eulalia Robinson,  
Nevada Robinson,  
Dennis Williams,

Joyce Williams.

It is not believed that you or any of the applicants in the above case are entitled at this time to share in the distribution of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

M.C.R. 4405.

Muskogee, Indian Territory, March 16, 1906.

Mattie Carter,

Katy, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 9, 1906 in which you ask if your "enrollment is sufficient to file."

In reply you are informed that on March 5, 1906 this office addressed you a communication in answer to your letter of April 23, 1906 which fully answers your letter of the 9th inst.

Respectfully,

Acting Commissioner.

M C R 4460.

Muskogee, Indian Territory, March 1, 1907.

Fannie Williams,

Boggy Depot, Indian Territory.

Dear Madam:

Your letter to the Secretary of the Interior, dated February 7, 1907, requesting to be informed as to the status of your application for citizenship as a Mississippi Choctaw has been referred to this office.

In reply thereto, you are advised that same was included in the consolidated Mississippi Choctaw case of Manda Hunter et al, M C R 4460, and in which a decision was rendered by the Commission to the Five Civilized Tribes on December 2, 1903, denying the rights of the applicants therein to identification as Mississippi Choctaws; said decision being affirmed by the Secretary of the Interior June 20, 1903.

You are further advised that since the date last named no action has been taken in said case by the applicants, and that same is now closed.

Respectfully,

Commissioner.

19033-1907  
MUR 4460

Muskogee, Oklahoma, December 28, 1907.

Mrs. Bettie Carter,

Katie, Oklahoma.

Madam:

Replying to your letter of December 15th you are advised that you are not entitled to an allotment of land in the Choctaw-Chickasaw country, the application made by your mother for the identification of herself, Bettie and Charlie Hunter, having heretofore been rejected by the Commission to the Five Civilized Tribes and the Secretary of the Interior. You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907.

Respectfully,

Acting Commissioner.

McM

ATION.

CH  
(NOT INOL)

TRIBAL ENROLLMENT OF PARENTS

FATHER

YEAR

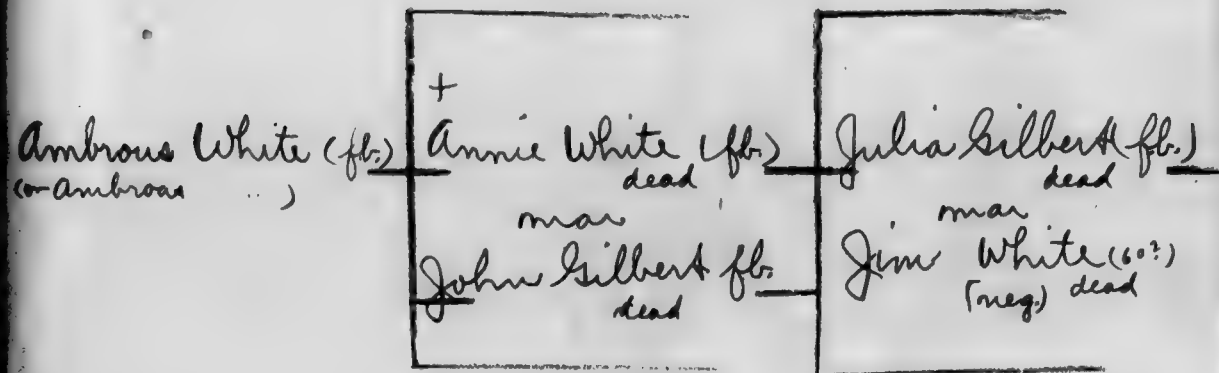
DISTRICT

NAME OF MOTHER

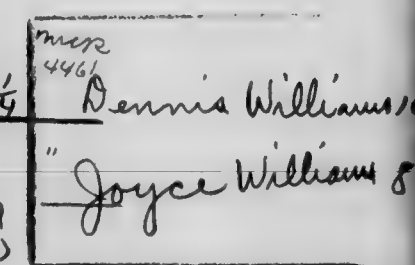
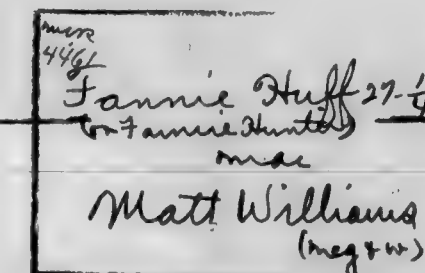
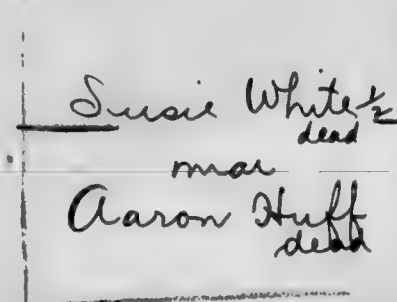
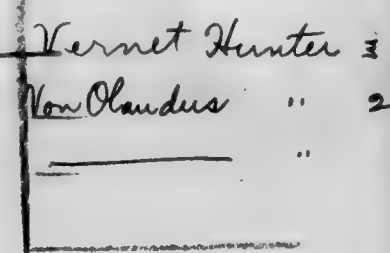
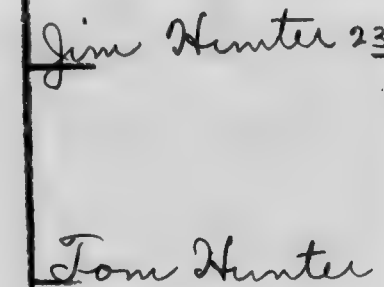
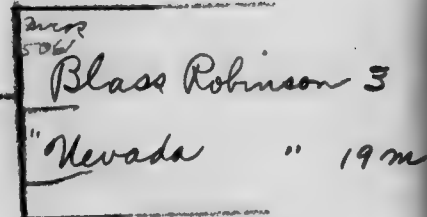
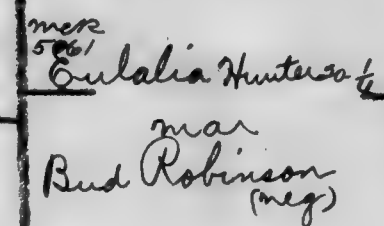
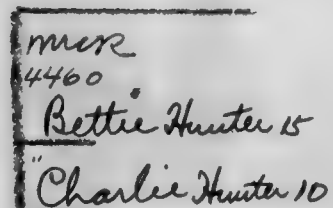
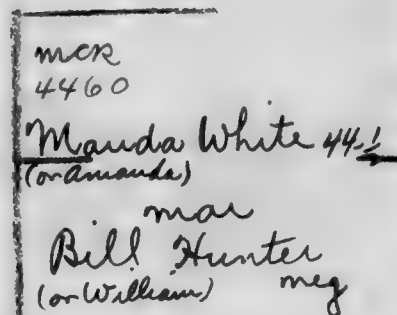
Consolidated Case  
of

Manda White et al.

4460



+ Conflict in testimony as to remote ancestor.



No. 4480

For Identification as a Mississippi Choctaw.

Date JAN -7 1902

Name Manda Hunter

Age 44 Blood  $\frac{1}{2}$

Post Office, Wynnewood I.T.

Father: ~~John~~ Jim White Dead

Mother: Julia White Dead

Claims through Mother  
Husband Bill Hunter Negro  
no claim for him.

Claim for self & 2 children

Children:

Bettie Hunter 15

Charlie " 10

Stenographer Al McMillan

Choctaw MCR 4461

Fannie Williams

See MCR 4460

MCR 4461



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE SO-CALLED CIVILIZED TRIBES,  
#4441 MURKOSKE, INDIAN TERRITORY, JANUARY 7, 1902.

-----COs-----

In the matter of the application of Fannie Williams  
for the identification of herself and her two minor children,  
Dennis Williams and Joyce Williams, as Mississippi Choctaws.

Applicant not represented by attorney.

Fannie Williams, being first duly sworn, on her oath  
testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Williams.  
Q How old are you? A Twenty-seven.  
Q How much Choctaw blood do you claim? A Well now I will tell  
you I don't really know, but my mother was said half; she said  
she was half.  
Q What was your father? A I don't know what he was neither,  
for I was very small, but I knew he had straight hair.  
Q Was there any Choctaw blood in him? A They said he had.  
Q Your mother was one-half you say? A Yes sir.  
Q Then you are a quarter or more, is that it? A Yes sir, I sup-  
pose so.  
Q What is your post office address? A Wynnewood.  
Q Is that in Indian Territory? A Yes sir, Chickasaw Nation.  
Q How long have you lived there? A Wynnewood? I have lived  
there about six months.  
Q Where did you live before that? A Texas.  
Q Were you born in Texas? A Yes sir.  
Q Then you have never lived anywhere else except Texas and six  
months you lived in the Indian Territory? A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A His name was Aaron Huff.  
Q How old would your father be if living now? A I couldn't tell  
you.  
Q Is your mother living? A No sir.  
Q What was her name? A Her name was Susie Huff; she was first  
Susie White before she married Huff.  
Q How old would your mother be if living now? A I don't know sir,  
I think she was---I couldn't tell you.  
Q How old was she when she died? A I don't know sir.  
Q Do you know where your mother was born? A No sir, I don't.  
Q Which one of your parents do you claim your Choctaw blood from?  
A My mother; that's all that I have been taught to know-----  
Q But you make no claim on your father? A No sir, I don't know  
anything about my father's people.

Fannie Williams--2.

- Q You don't know anything about the birth or death of your mother?  
A No sir.
- Q Do you know where she died? A She died in-----I was awful little, but they all say it was in Aberdeen, Texas, and my auntie here came and got me when I was small and raised me.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A Matt Williams.
- Q What race is he? A Well now I tell you---I couldn't really tell you. He looks about what I do, but I couldn't answer---he was recognized with the negro race.
- Q Does he claim any Choctaw blood? A Well, he say he do. I don't think he could prove it.
- Q Do you make any claim for him? A No sir.
- Q You think your husband then is negro and white, do you?  
A Yes sir, his mother said his father was white and she is part Indian herself.
- Q Have you any children for whom you want to make application at this time? A Yes sir.
- Q Give me the names and ages of those children please?
- A The oldest child is Dennis Williams, age ten years.
- Q Age ten? A Yes sir. Joyce--
- Q Is that a boy or girl? A Girl.
- Q How old? A Eight. That's all I have living.
- Q Then this application is for yourself and your two minor children? A Yes sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A Well I don't know sir. I don't think she ever lived here. They might have come through here when they was going to Texas.
- Q You don't think she was ever recognized by the Choctaw tribal authorities? A No sir, not my mother.
- Q Is your name or the name of any of your children for whom you make application, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, you mean---
- Q On the Choctaw rolls? A No sir.
- Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you or for your minor children in the year 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation?  
A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian territory, for yourself and your minor children under the provisions of the fourteenth article

Fannie Williams--3.

of the treaty between the United States government and the Choctaw tribe of Indians concluded on September 27th, 1830? Is that what you came here for, to claim lands in the Choctaw Nation under the fourteenth article of the treaty of 1830?

A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27th of September, 1830, and it was ratified by Congress on the 24th day of February, 1831. At the time the treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to go to this new country but wanted to remain in the old Nation, and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article means that a Choctaw who wanted to remain in the old Nation and didn't want to come to this new Choctaw country, and who wanted to take lands under the provisions of this article, should, within six months from the time this treaty was ratified, that is, six months from the 24th day of February, 1831, go before the Agent in Mississippi and signify to him, that is, tell him that he wanted to remain in the old Nation, become a citizen of the states, and take lands under the provisions of this article. After doing that he would be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over ten years of age and unmarried he would be entitled to one half that quantity,

Fannie Williams--4.

or three hundred and twenty acres of land; and for each child under ten years of age he would be entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made--September 27, 1830. This article also required that after a Choctaw had received his lands he should reside upon the same for a term of five years, after which time the government would give him a title in fee simple enabling him to dispose of the lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Nation, took his lands under the provisions of this article, and resided upon these lands for five years, he did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but that he did forfeit any right to claim any part of the Choctaw annuity. Annuities were money that was paid to the Choctaw tribe of Indians annually by the government under treaty provisions.

- Q Do you think you understand that article I have read and explained to you? A Yes sir.
- Q Now what was the name of your Choctaw ancestor who lived in Mississippi, in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Now my mother's grandfather--her grandfather and grandmother, Annie Gilbert and John Gilbert.
- Q You say you get your Choctaw blood from your mother Susie Huff? A Yes sir.
- Q What was her name before she married? A Susie White.
- Q Now who did she get her Choctaw blood from? A She says her mother was full blood.
- Q What was her name? A Julia White.
- Q Now who did Julia White get her Choctaw blood from? A Annie Gilbert so I am told.
- Q What was the name of your grandfather--your mother's father? A My mother's father-----Jim White.
- Q Now what was Julia White's name before she married? A Julia Gilbert.
- Q Now was Jim White and Julia Gilbert married and the head of a family in 1830? A Well, I don't know sir.
- Q Was Annie Gilbert and John Gilbert married and the head of a family in 1830? A They was said to be. You know I don't know.
- Q All you know about your ancestors is what you have been told by your family? A Yes sir.
- Q Do you know whether they was recognized members of the Choctaw tribe of Indians at that time--September 27th, 1830? A They say they was.
- Q That is your people told you that? A Yes sir.

Fannie Williams--5.

- Q Did any of your Choctaw ancestors own any improvements on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know sir.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama between the years 1833 and 1838, to the new Choctaw Nation in Indian Territory?
- A I don't know sir.
- Q Did any of your Choctaw ancestors within six months from the date the treaty was ratified, that is, the 24th day of February, 1831, go before the Agent in Mississippi and tell him they wanted to stay in the old Choctaw Nation and take lands? A I don't know sir.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any lands from the United States government as Choctaw Indians? A I don't know.

In accordance with the provisions of this fourteenth article, the government directed an Agent in Mississippi to register the names of all Choctaws who wanted to remain in the old Choctaw Nation and become citizens of the states and take lands under its provisions. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did go before him and tell him they wanted to stay there and take lands, and on this account lands on which Choctaws had improvements and which they wanted to reserve for them, was sold by the government at its public land sales. This caused a great many complaints by the Choctaws and these complaints finally reached Congress, and Congress, under various acts, appointed Commissions to go into the state of Mississippi and investigate these claims; some of them they allowed, and some they rejected. Of the claims allowed, after approval by the Secretary of War and the President, if it was found that the lands had not been sold which the Indians claimed, they were put in possession of them. If, however, the lands which the Indians claimed had been sold and they established their claims to the lands, they were given scrip in lieu of the lands which they claimed had been sold, and under this scrip they were entitled to locate on vacant government land in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors ever go before any of these Commissions and attempt to establish any claims to lands under the fourteenth article of this treaty? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever owned any lands in the state of Mississippi, Alabama, Louisiana or Arkansas? A I don't know sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not as I know of. I have been told they was.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A No sir.
- Q Have you any written evidence of any kind, any papers of any kind, that would tend to show that your ancestors lived in Miss-



Fannie Williams--6.

issippi at the time this treaty was made, and that they did take lands from the United States government as Choctaw Indians under this treaty? A No sir.

Q Do you know of any witnesses that could testify to that fact?

A No sir.

Q Have you any written evidence you want to file with the Commission to-day in support of your application? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any brothers and sisters living? A No sir.

Q You are the only one of your family? A Yes sir.

Q Have you any brothers or sisters who are dead? A No sir.

Q And have they left families? A No sir.

Q Are you related to Manda Hunter who just preceded you as an applicant? A She is my aunt.

Q You get your Choctaw blood from the same source she does?

A Yes sir.


Q Do you desire her case to be considered with yours, and the evidence in her case to be considered with the evidence in your case? A Yes sir.

This applicant has straight black hair, black eyes, the features and appearance of a person of mixed Indian, white and negro blood; the strain of Indian blood being light; does not speak or understand the Choctaw language, and has no knowledge of her ancestry beyond the names of her father and mother; has no knowledge of the compliance on the part of any of her ancestors with the provisions of the treaty of 1830.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized tribes he reported the proceedings had in the above entitled cause on the 7th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause taken on said date.

Subscribed and sworn to before me this 9th day of January, 1902.

  
\_\_\_\_\_  
Notary Public.

Muskogee, Indian Territory, January 31, 1902.

William Hunter,

Wynnewood, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of the twenty third instant, inclosing certified copy of marriage license and certificate of Matt Williams and Fannie Hunter; also certified copy of marriage license and certificate between William Hunt and Amanda Stallworth, and affidavit of Catherine Franklin for filing in support of the applications for identification as Mississippi Choctaws of Fannie Williams et al. and Manda Hunter, et al.

The affidavit of Catherine Franklin has been filed with the record in the case of Manda Hunter, et al. M.C. 4400. The marriage license and certificate of William Hunt and Amanda Stallworth is returned you herewith for the reason that the name of the husband of Amanda Stallworth appears in the marriage license and certificate as William Hunt and in the application made by Amanda Hunter, the name of her husband was given by her as William Hunter. Before this evidence of marriage can be filed in support of her claim it will be necessary to show why the name appears as Hunt in the marriage license and in her application it appears as Hunter.

V.N. 2

The marriage license and certificate between Matt Williams and Fannie Hunter is herewith returned for the reason that Fannie Hunter's name appears therein as Hunter, and in her application she states that her father's name was Huff. Before this certificate can be accepted by the Commission it will be necessary to show why this discrepancy appears. Her testimony does not show that she was ever married to a man named Hunter before she married Matt Williams.

Upon the return of the documents inclosed herewith, together with the information requested, the evidence of the marriage of Matt Williams and Fannie Hunter, and William Hunt and Amanda Stallworth will receive consideration.

The letter of the County Clerk is returned you herewith.

Yours truly,

Acting Chairman.

MC 4460  
MC 4461



H.C. 4461

Muskogee, Indian Territory, February 8, 1902.

William Hunter,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the certified copy of marriage license and certificate between Matt Williams and Fannie Hunter, and your letter of the fifth instant, explaining the difference in the names as they appear in the testimony and the marriage license and certificate. This explanation is accepted and the evidence of marriage has been filed in support of the application of Fannie Williams, et al. for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

COPY.

Mustang, Indian Territory, December 2, 1902.

Fannie Williams,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 2d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Manda Hunter, et al., embracing the following applications for identification as Mississippi Cheetaws:

Manda Hunter, et al., M. C. R. 4460  
Malalia Robinson, et al., M. C. R. 3061  
Fannie Williams, et al., M. C. R. 4461

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Manda Hunter, Bettie Hunter, Charlie Hunter, Malalia Robinson, Blass Robinson, Nevada Robinson, Fannie Williams, Dennis Williams and Joyce Williams as Cheetaw Indians ex-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*Tams Bixby.*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 8, 1903.

Fannie Williams,

Osage Depot, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, relative to the decision of the Commission in your case. You state that the letter advising you that you were allowed fifteen days from the date of said decision in which to file arguments, did not reach you on account of high water until it was too late for you to attend to the matter.

In reply you are informed that the fifteen days from December 2, 1902, heretofore granted within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on December 17, 1902.

On December 18, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of any action taken by him.

Respectfully,

COMMISSIONER IN CHARGE.  
Acting Chairman.

W. C. R. 4461.

COPY.

Waskoge, Indian Territory, July 17, 1903.

Fannie Williams,

Deputy, Indian Territory.

Dear Madam:-

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Manda Hunter et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Identification as a Mississippi Choctaw.

Date JAN -7 1902

Name Fannie Williams

Age 27 Blood 1/4

Post Office, Wynnewood St.

Father: Aaron Huff Deceased

Mother: Thine Huff Deceased

Claims through Mother

Harbans  
Mall Williams, negro & white  
no claim for him

Claim for self & 2 children

Children:

Bennie Williams 10

Joyce " (7) 8

Stenographer A. G. Miller

Choctaw MCR 4462

Lucy Jackson

See MCR 4463

MCR 4462



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Jackson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Lucy Jackson, et al.,      H.C.R. 4462  
Robert Jackson,          H.C.R. 4463

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Lucy Brown, et al.

|  | Page. |
|--|-------|
| Original application of Lucy Jackson, et al., to the Dawes Commission for Identification as Mississippi Choctaws .....                     | 1     |
| Affidavit of Catherine Franklin .....  | 9     |
| Certified copy of marriage license and certificate of marriage of Andrew Jackson and Lucy Brown .....                                      | 10    |
| Original application of Robert Jackson to the Dawes Commission for identification as a Mississippi Choctaw .....                           | 11    |
| Decision of the Commission refusing the consolidated application of Lucy Jackson, et al., for identification as Mississippi Choctaws ..... | 16    |



DEPARTMENT OF THE INTERIOR,  
COMMISSION ON THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 7, 1902.

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In the matter of the application of Lucy Jackson for the identification of herself and her ten minor children, Frank, Florence, Curtis, Cora, Eddie, Ola, Alice, Ella Gertha, Jimmie and Beulah Jackson, as Mississippi Choctaws.

Applicant not represented by attorney.

Lucy Jackson, being first duly sworn, on her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lucy Jackson.  
Q How old are you? A I am forty-nine.  
Q How much Choctaw blood do you claim? A I reckon about one-fourth. My grandmother was one-half Choctaw.  
Q What is your grandfather, white man or colored man? A By my father's side-----  
Q Who was your grandmother's husband? A I can't remember because he died-----  
Q You claim one-fourth because your grandmother was one-half?  
A I don't know exactly.  
Q What is your post office address? A Wynnewood.  
Q Indian Territory? A Yes sir.  
Q How long have you lived there? A I have lived there about eight years.  
Q Where did you live before you came to Wynnewood? A Texas, Bastrop County.  
Q How long did you live in Texas? A All my life.  
Q Born there? A Born there.  
Q Is your father living? A Yes sir.  
Q What is his name? A Jackson Brown.  
Q How old is he? A I guess he is about seventy years old.  
Q Is your mother living? A No sir, my mother died before I could remember.  
Q What was her name? A Mary Brown.  
Q Do you know how old your mother would be if she was living now?  
A I guess about seventy some odd.  
Q Which one of your parents do you claim your Choctaw blood from?  
A My mother.  
Q Do you know where your mother was born? A I have heard my grandma say she was born in Tennessee.  
Q What place in Tennessee? A Memphis.  
Q Where did your mother die? A Caldwell County, Texas.

Lucy Jackson--2.

- Q Did your mother ever live in Mississippi? A Yes sir, I think they came from Mississippi. My grandma always taught me they came from Mississippi.
- Q You think your mother moved from Tennessee to Mississippi?
- A No sir, from Tennessee to Texas.
- Q I asked you did your mother ever live in Mississippi?
- A Not as I know of.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
- A No sir, I don't know.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir, he's living.
- Q What is his name? A Andrew Jackson, I told you.
- Q What race is he? A His mother was a colored woman and his father was white.
- Q Then he is one-half negro and one-half white, is he? A Yes sir.
- Q He makes no claim to Choctaw blood? A No sir.
- Q And you do not make any claim for him? A No sir.
- Q Have you any children unmarried and under the age of twenty-one for whom you want to make application? A Yes sir.
- Q Give the names of those children who are under twenty-one and unmarried? A Frank.
- Q How old is Frank? A He's just about twenty.
- Q The next one? A Florence.
- Q How old is Florence? A She's nineteen.
- Q Go on, give them all? A Curtis.
- Q How old? A He's seventeen.
- Q Well? A Cora.
- Q How old? A Fifteen.
- Q Next? A Eddie, fourteen.
- Q Go on? A Ola.
- Q I want all of them, so keep on going. How old is she?
- A Thirteen. Alice
- Q How old? A Twelve.
- Q Give the name of the next one after Alice? A Ella Gertha.
- Q How old is Ella Gertha? A She's nine.
- Q Is there any other one? A I have two more--little boy named Jimmie, he's eight; and a little baby about six, her name is Beulah.
- Q Is that all? A Yes sir, that's all.
- Q Then this claim is for yourself and ten minor children, is it?
- A Yes sir.
- Q Have you any children over the age of twenty-one? A Yes sir.
- Q What is the names of them? A William.
- Q William Jackson, is it? A Yes sir.
- Q Is William married? A Yes sir.
- Q Has he any children? A No sir.
- Q Now give the name of the next? A Robert.
- Q How old is Robert? A He's twenty-three.
- Q Is he married? A No sir, that's him right there.
- Q Is that all the children you have given? A No sir, there's one more---Andrew.
- Q How old is he? A Twenty-one.
- Q Is he married? A No sir.
- Q Are there any other children? A I have got one girl named Marietta, she's twenty-two.

*Jackson*  
Lucy Williams--3.

- Q Is Marietta married? A Yes sir.
- Q What is her name? A Marietta Price.
- Q Has she got any children? A Yes sir, one.
- Q What is the name of that child? A I don't know. They live way down in Texas, and I don't know what is the name of the child. I think it is Mary.
- Q Have you any kin-people who have ever been before the Commission and made application? A No sir.
- Q Any of these children ever been before the Commission?
- A No sir, none of them.
- Q Do you know of anybody else living who claims Indian descent, besides yourself and your family, from the same common ancestor?
- A Yes sir.
- Q Who are they? Any brothers and sisters of yours? A Yes sir.
- Q What is their names? A Johnnie Brown.
- Q Where does he live? A Lives somewhere in the Territory; don't know exactly; haven't seen him in a good while.
- Q Has he got any family? A He has just got a wife.
- Q Has he ever been before the Commission? A I don't think he has.
- Q Give the names of your sisters; give their married names?
- A Mary Rustis.
- Q Has she got any children? A Yes sir, she's got a good many, but I haven't seen them in a long while.
- Q You don't know their names? A No sir.
- Q Where do they live? A In Texas, Caldwell County.
- Q Give the names of your other sisters? A Mattie Thomas.
- Q Where does she live? A In Texas, Caldwell County.
- Q Any more? A Texanna Harris.
- Q Has she got any children? A Yes sir, she has got several little children.
- Q Do you know their names? A No sir.
- Q Where does she live? A Caldwell County.
- Q Is that all your brothers and sisters? A Ann.
- Q Ann what? A I have not seen her in twenty years.
- Q You don't know anything about her? A No sir, she lives away down in Gonzales County, Texas.
- Q What is her husband's name? A Well, she's married and I don't know her name. I haven't seen her for twenty years.
- Q Is your name or the name of any of your children for whom you make application, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I don't think they can.
- Q Did you or anyone for you or for your minor children, ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or any one of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court for Indian Territory? A No sir.

Lucy Jackson--4.

- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a member of the Choctaw tribe of Indians? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th of September, 1830? A Claiming lands?
- Q Do you come before the Commission to claim lands in the Territory? A No sir.
- Q What do you claim then? A I claim right---
- Q What kind of a right are you claiming? A Claiming right of lands as Choctaw.
- Q Then do you come here to claim rights in the Choctaw lands in Indian Territory, as a Mississippi Choctaw, and do you claim those lands under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the old Choctaw Nation to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to go to this new country, but preferred to remain in the old Choctaw Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty, and that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That fourteenth article means that in case a Choctaw desired to remain in Mississippi and receive lands from the

Lucy Jackson--5.

government under its provisions, he should, within six months from the ratification of the treaty, the treaty being ratified on the 24th day of February, 1831, let the Agent know that he wanted to remain and take lands under this article. After doing that he would be entitled, as head of a family, to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each unmarried child over ten years of age he was entitled to one-half that quantity, or three hundred and twenty acres of land; and for each child under ten years of age he was entitled to a quarter section or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made--September 27, 1830. This article also required that after a Choctaw had received his lands he should reside upon the lands for a term of five years, after which time a title in fee simple would be given him by the government which would enable him to dispose of the lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation and complied with this article by taking lands and residing upon the same for five years, did not forfeit his right to citizenship in the Choctaw Nation, but did forfeit his right to any portion of the Choctaw annuity. Annuities are money paid to the Choctaw Indians by the United States government under treaty provisions.

- Q Do you think you understand that? A It means that we still hold a claim as Choctaws.
- Q It means you still hold a right of citizenship in the Choctaw Nation, provided your ancestors complied with the requirements of this article. I explained those requirements; do you understand them? A I think I do.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830 at the time this treaty was made--27th of September 1830? A Neetubby, my great-grandfather.
- Q You get your Choctaw blood from your mother? A Yes sir.
- Q Who did she get her Choctaw blood from? A My grandma.
- Q What was your grandma's name? A Jack Kinney Neetubby.
- Q Was that a woman? A Yes sir.
- Q Neetubby? A Yes sir.
- Q Was that her married name? A No sir, that was her father's name.
- Q Now was this grandmother of yours--Jack Kinney Neetubby--married and the head of a family in 1830? A Yes sir, I think she was.
- Q Did your mother have any brothers or sisters older than she was? A My mother?
- Q Did you have any uncles and aunts older than your mother? A No sir.
- Q Was your mother the oldest child? A I think she was.



Lucy Jackson--6.

- Q How who did Jack Kinney Neetubby get her Choctaw blood from?  
A From Neetubby.  
Q From Neetubby? A Yes sir.  
Q Who was Neetubby? A He was an Indian--full blood Indian.  
Q Now who of your Choctaw ancestors lived in Mississippi in 1830 at the time this treaty was made? A The older ones did. My old grandfather.  
Q Did Jack Kinney Neetubby live there? A Yes sir, she was stolen from there.  
Q Stolen? A Yes sir.  
Q Who was she stolen by? A White people I guess.  
Q Was your mother a slave? A Yes sir, my mother was a slave.  
Q Was your father a slave? A Yes sir.  
Q Was you a slave? A Yes sir, I was a good sized girl.  
Q But you were a slave? A Yes sir.  
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi and Alabama in 1830?  
A My great-grandfather was.  
Q Neetubby? A Yes sir.  
Q Did any of your Choctaw ancestors ever comply with or attempt to comply with the provisions of the fourteenth article of the treaty---that article that I have just read and explained to you? A Yes sir, Neetubby.  
Q Neetubby? A Yes sir.  
Q Did he comply with that article? A Yes sir.  
Q Did he go before the Agent there within six months from the 24th day of February, 1831, and tell him he wanted to take lands under this article? A I guess he did, but I don't know; only just what my parents taught me.  
Q Have you any proof of any kind that your ancestors did do this; did go before that Agent and tell him they wanted to stay there?  
A Yes sir, I guess---I think-----I have proof.  
Q What kind of proof is it? A I think I can get proof.  
Q Have you any papers or documents that would go to show that your ancestors did comply with this article? A No sir, I Haven't any papers.  
Q Did any of your Choctaw ancestors own improvements in Mississippi in 1830? A Not that I know of.  
Q You say that they did comply with this article. Now you state that they did not own any improvements. If they had lands in Mississippi in 1830, didn't they have improvement on them?  
A Yes sir, of course they had improvements on them.  
Q Have you got any papers of any kind that would show that your Choctaw ancestors ever received any land from the United States government as Choctaw Indians under article fourteen of this treaty? A Yes, I have got proof.  
Q What kind of proof is that? A I don't know.  
Q How are you going to prove it? A I think I can get proof.  
Q What kind of proof can you get? A I will get witnesses.  
Q Do you know of any witnesses that you can bring before this Commission to testify that your ancestors did get lands from the United States government under this treaty? A Yes sir, I think I can get proof.  
Q What is the names of those witnesses? A Frank.  
Q Frank what? A I have got two or three witnesses though.

Lucy Jackson--7.

- Q But you don't know the names of any witnesses? A Yes sir.  
Q Well, what are their names? A (No answer)

In accordance with the provisions of the fourteenth article of this treaty, the government directed an Agent in Mississippi to register the names of all of the Choctaws who wanted to remain in the old Nation and who wanted to take lands under its provisions. The records of the government show that the Agent failed to register and report to the government the names of a great many Choctaws who really did appear before him and signified their intention of remaining in the old Nation and taking lands, and on this account lands on which the Indians had improvements and which they desired to reserve for them under this article, was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress, and Congress, under various acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These commissions investigated a number of claims; some of which they allowed and some they rejected. Of the claims allowed, and after approval by the Secretary of War and the President, if it was found that the lands had not been sold the Indians were put in possession of them. If, however, the lands claimed by the Indians had been sold, they were given scrip in lieu of the lands that had been sold, and under this scrip they could locate on vacant government lands in Alabama, Mississippi, Louisiana and Arkansas.

- Q Now did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish their claims to lands under this fourteenth article? A Not as I know of.  
Q Did any of your Choctaw ancestors own any lands in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not as I know of.  
Q You stated awhile ago that your Choctaw ancestors got lands from the United States government as Choctaw Indians under this treaty; now you state you don't know whether they owned lands in Mississippi or not? A I said my foreparents did, but I don't know.  
Q How did you hear that your fore-parents owned lands in Mississippi as Choctaw Indians? A Well, I heard it all my life. My grandma always told me that I had the blood and that I was Choctaw Indian.  
Q Did your grandma tell you that she owned any land in that country? A No sir, she didn't tell me that she owned it, but she was stolen.  
Q Did her father--your great-grandfather--own any lands in Mississippi? A I don't know sir.  
Q Then you don't know whether any of your Choctaw ancestors owned land in the state of Mississippi or not? A I don't know unless my fore-parents--Nestubby--there's where he lived.  
Q Did any of your Choctaw ancestors ever get any scrip from any of these Commissions of the government for lands which they claimed and had been sold by the government? A No sir.  
Q So far as you know did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians?  
A No sir.

Lucy Jackson--8.

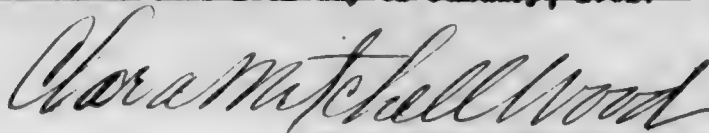
- Q And you say you have got no written proof of any kind to show that they did get lands from the United States government as Choctaw Indians? A No sir, I haven't got any written proof at all.
- Q Now can you give me the names of these witnesses whom you say can come here and testify that your ancestors did get these lands? A I have never taken it on myself to get witnesses when I came up here, but I think I can get witnesses.
- Q Do you know the names of any witnesses you can get now? A No sir, I don't.
- Q Do you speak or understand the Choctaw language? A No sir, I don't understand it.
- Q Do you speak it? A No sir, I don't speak it.

This applicant has black hair mixed with gray, slightly kinky, has features and appearance of a person of african descent with a slight mixture of white blood; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of January, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause taken on said date.

  
Subscribed and sworn to before me this 10th day of January, 1902.

  
Notary Public.



L. B. D.  
C. O. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Jackson, et al., for identification as Missions Indians, consolidating the applications of:

Lucy Jackson, et al.,      W.C.R. 4488  
Robert Jackson,      W.C.R. 4489

D E C I S I O N .

It appears from the record herein that applications for identification as Missions Indians were made to this Commission by Lucy Jackson for herself and her ten minor children, Frank, Florence, Curtis, Clara, Edith, Ole, Alice, Edith Gertrude, Jimmie and Leola Jackson, and by Robert Jackson for himself, under the following provisions of the act of Congress approved June 24, 1894, (28 Stat., 405):

"That Commission shall have authority to determine the identity of persons claiming Indian rights in the Cherokee lands under certain provisions of the treaty between the United States and the Cherokee Nation, concluded September twenty-fourth, eighteen hundred and thirty, and to that end may administer oaths, require witnesses and persons all other necessary persons, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nootubby (or Nisotubee), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nootubby (or Nisotubee), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Jackson, Frank Jackson, Florence Jackson, Curtis Jackson, Bern Jackson, Eddie Jackson, Ole Jackson, Alice Jackson, Ella Gertha Jackson, Jimmie Jackson, Seniah Jackson and Robert Jackson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamm Dixey.

Acting Chairman.

(SIGNED)

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

NOV 19 1902

Muskogee, Indian Territory, January 28, 1902.

Andrew Jackson,

Wynnewood, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, inclosing affidavit of Catherine Franklin in support of the applications for identification as Mississippi Choctaws of Lucy Jackson and Robert Jackson. The same has been filed with the record in the case of Lucy Jackson, et al. M. C. 4462, and will receive consideration in the disposition of the application.

Yours truly,

Acting chairman.

M.C. 4462

Muskogee, Indian Territory, February 15, 1902.

Andrew Jackson,

Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the twelfth instant, inclosing marriage license and certificate between Andrew Jackson and Lucy Brown, which you offer in support of the application for identification as Mississippi Choctaws of Lucy Jackson and her minor children. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.



COPY.

M.C.R. 4462

Muskogee, Indian Territory, November 19, 1902.

Lucy Jackson,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Jackson, et al.,  
Robert Jackson,

M.C.R. 4462  
M.C.R. 4463

These applications were made under the provision of the act of Congress of June 29, 1900 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Jackson, Frank Jackson, Lawrence Jackson, Curtis Jackson, Cora Jackson, Edie Jackson, Ella Jackson, Alice Jackson, Ella Gertha Jackson, Florida Jackson, Beulah Jackson and Robert Jackson as Choctaw Indians entitled to rights in the Choctaw

L.S. [illegible]

limits under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

Very very respectfully, that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. [illegible]

Acting Chairman.

Registered.

COPY.

M.C.R. 4462

Muskogee, Indian Territory, November 19, 1902.

Hensfield, McHenry & Connish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Jackson, et al.,  
Robert Jackson,

M.C.R. 4462

M.C.R. 4463

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stat., 496).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Jackson, Frank Jackson, Florence Jackson, Curtis Jackson, Cora Jackson, Edie Jackson, Ola Jackson, Alice Jackson, Ella Cortha Jackson, Jamie Jackson, Beulah Jackson and Robert Jackson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to



H.M.H. & C. - 10000000

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Larnie Bixby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lucy Jackson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 18, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

|                       |             |
|-----------------------|-------------|
| Lucy Jackson, et al., | K.C.R. 4462 |
| Robert Jackson,       | K.C.R. 4463 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. H. HENRY

Acting Chairman.

Through the  
Commissioner of Indian Affairs,  
Inv. N. C. R. 4462.

Land  
72356-1902

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, Feb. 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application of the following named parties: Lucy Jackson for herself and her ten minor children, Frank, Florence, Curtis, Cora, Eddie, Ola, Alice, Ella Gertha, Jimmie and Boulah Jackson; and By Robert Jackson for himself, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Neetubby (or Nicotubee) who is alleged to have been a Choctaw Indian and a resident of the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through Jack Kinney Neetubby.

The Commission rejected the applicants November 19, 1902, because the names of their ancestors through whom they claim did not appear among those who complied or attempted to comply with

the provisions of the 14th Article of the treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation. An examination has been made of the records of this office in reference to the names of Nectabby (or Nicotubee) or Jash Kinney Nectabby, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, neither does it appear that they applied to the Commissions appointed in 1837 and 1842 to adjudicate the claims of those Choctaws having rights.

These being the facts, it is recommended by this office that the decision of the Commission rejecting the applicants, be approved.

Very respectfully.

Commissioner.

C. T. O.

L.

D.C. 6856-1905.  
ITD. 1582-1903.  
L.R.S.

(Copy)

SAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 5, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Lucy Jackson and her minor children, Frank, Florence, Curtis, Cora, Eddie, Ola, Alice, Ella Gertha, Jimmie and Beulah Jackson; and of Robert Jackson. You denied the applications November 19, 1902.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Westubby (or Westubee) alleged to have been a full blood Choctaw Indian.

The records fail to show that applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Westubby or an ancestor less remote complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.



-2-

The Department finds no reason to modify your decision  
and it is accordingly affirmed.

Respectfully,

Wm. F. Hall

Acting Secretary

1 inclosure.

COPY.

H.C.R. 4408.

Spokane, Indian Territory, March 12, 1903.

Manfield, McHurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Jackson, et al., of which decision you were advised by mail on the 19th day of November, 1902.

Respectfully,

(SIGNED)

*Tamr Bixby.*  
Chairman.

COPY.

M.C.N. 4422.

Muskogee, Indian Territory, March 12, 1903.

Lucy Jackson,  
Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Jackson, et al., of which decision you were advised by registered mail on the 19th day of November, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



Consolidated Case  
of  
Lucy Jackson et al.

REFER TO M. C. R. 4462

Neetubby (fb)  
for Nicotubee)

Jack Kinney Neetubby  $\frac{1}{2}$   
(or Jack Kinney  
(whose maiden name  
was Nicotubee)

Mary Brown  
SLAVE dead

hus  
Jackson Brown 70  
SLAVE

mer  
4462

Lucy Brown 49  $\frac{1}{4}$   
SLAVE

mar  
Andrew Jackson  
t-t-t-w

mer  
4462

Frank Jackson 20

Florence " 19

Curtis " 17

Cora " 15

Eddie " 14

Ola " 13

Alice " 12

Ella Bertha " 9

Jimmie " 8

Beulah " 6

mer  
4462

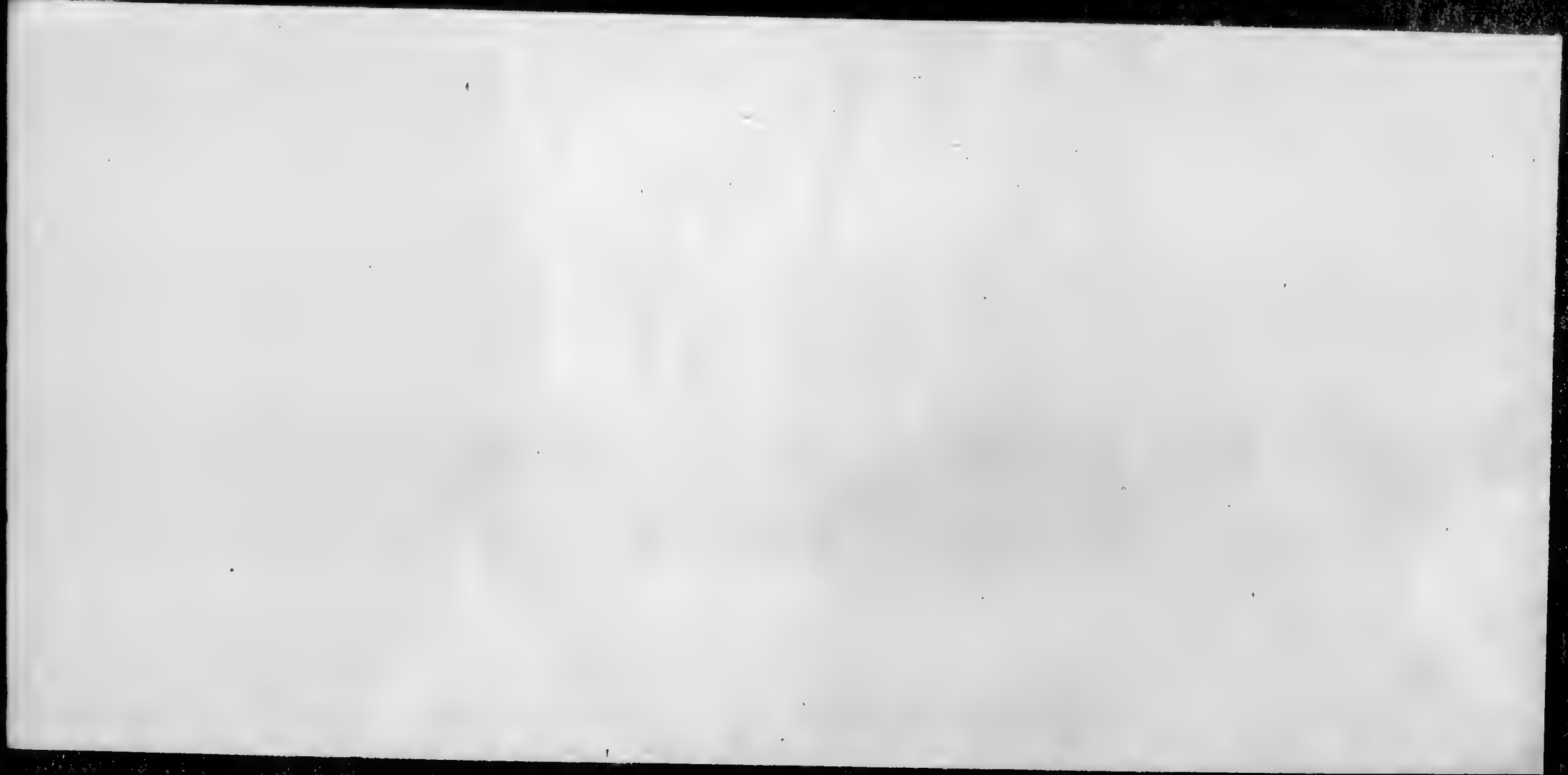
Robert Jackson 23

William Jackson

Andrew Jackson 21

Marietta Jackson 22  
mar  
Price

Mary Price



## For Identification as a Mississippi Choctaw

Date JAN -7 1969

Name Lucy Jackson ~~the late~~

Age 49 Blood 1/4

Post Office Wynnewood S.T.

Father: Jackson Brown

Mother: Mary Brown nee

Claims through Mother

Husband

Andrew Jackson Jr Negro 1/2  
No claim for him

Claim for self &amp; 10 Minor Children

## Children:

Frank Jackson 20

Florence " 19

Curtis " 17

Leona " 15

Eddie " 14

Ala " 13

Alice " 12

Ella Gertha " 9

Lottie " 8

Gimmie " 8

Paulah " 6

Annemarie " 6

Choctaw MCR 4463

Robert Jackson

See MCR 4462

MCR 4463

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 7, 1902.

-----000-----

#4463        In the matter of the application of Robert Jackson  
for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Robert Jackson, being first duly sworn, on his oath  
testifies as follows:

Examination by the Commission:

- Q What is your name?    A Robert Jackson.  
Q How old are you?    A Twenty-three.  
Q How much Choctaw blood have you got?    A I don't know sir.  
Q What is your post office address?    A Wynnewood.  
Q Indian Territory?    A Yes sir.  
Q How long have you lived there?    A Eight years.  
Q Where did you live before you lived in Wynnewood?    A Texas.  
Q Born in Texas?    A Yes sir.  
Q Never lived anywhere else except Texas and the Indian Territory,  
then?    A No sir.  
Q Is your father living?    A Yes sir.  
Q What is his name?    A Andrew Jackson.  
Q How old is your father?    A I don't know his age---about forty  
something---forty-eight or forty-nine.  
Q Is your mother living?    A Yes sir.  
Q What is her name?    A Lucy Jackson.  
Q How old is she?    A Don't know really.  
Q About how old do you think?    A About fifty.  
Q Through which one of your parents do you claim your Choctaw  
blood?    A From my mother.  
Q Where does your mother live?    A She lives in the Territory.  
Q What part of the Territory?    A Of the Indian Territory? At  
Wynnewood.  
Q Has your mother ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians in Indian Territory,  
by the Choctaw tribal authorities or the authorities of the  
United States?    A Not as I know of.  
Q Are you married?    A No sir.  
Q Then you make this claim for yourself alone?    A Yes sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw  
Nation in Indian Territory?    A No sir, not as I know of.  
Q If your name was on any of these rolls wouldn't you know it?  
A I suppose I would.  
Q Then your answer to that question would be "No" would it?  
A Yes sir.  
Q Did you or anyone for you ever make application to the Choctaw  
tribal authorities to be enrolled as a member of that tribe?

Robert Jackson--2.

A No.

Q Did you or anyone for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10th, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Do you appear before the Commission at this time claiming rights to the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty of 1830, between the United States government and the Choctaw tribe of Indians, concluded on the 27th of September of that year? A I do.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi, between the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time this treaty was made some of the Choctaws didn't want to go to this new country but preferred to remain in the old Choctaw Nation, and for the benefit of this class of Indians article fourteen was made a part of the treaty and is as follows:

"Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years from the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That fourteenth article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the states and take lands under its provisions, he should, within six months from the date of the ratification of the



Robert Jackson--3.

treaty--the treaty being ratified on the 24th day of February, 1831--signify to the Agent, that is, tell the government Agent that he wanted to stay in the old Nation and take lands and become a citizen of the states. After having done that he was entitled to a reservation of one section of six hundred and forty acres of land as the head of a family; and for each child over ten years of age and unmarried he was entitled to one half that quantity, or three hundred and twenty acres of land; and for each child under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made--September 27, 1830. This article also required that after a Choctaw had received his lands he should reside upon the same for five years, after which time the government would give him a title in fee simple enabling him to dispose of the lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Nation and took his land and lived upon the same for five years did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did lose his right to claim any portion of the Choctaw annuity. Annuities was money paid to the Choctaw Indians by the United States government under treaty provisions.

- Q Do you think you can understand that article as read and explained to you? A I think I do.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded, September 27th, 1830? A Neetubby.
- Q Is that all the name he had? A I believe that's all that I know of.
- Q What relation is Neetubby to you? A She's my great-grandmother.
- Q Neetubby is a woman is she? A Yes sir.
- Q You claim your Choctaw blood from your mother, Lucy Jackson; who does she get her Choctaw blood from? A From her mother.
- Q What is her name? A Neetubby.
- Q Lucy Jackson got her Choctaw blood from Neetubby? A Yes sir.
- Q What relation is Lucy Jackson to Neetubby? A She is her mother.
- Q Was Neetubby married and the head of a family and did she live in the old Choctaw Nation in Mississippi at the time this treaty was made? A Well, so I was told.
- Q Who were you told by? A By my parents.
- Q You do not know anything of your ancestry beyond your mother? A No sir.
- Q All you know about your Indian descent is what you have heard from her? A Yes sir.



Robert Jackson--4.

- Q Are you the son of Lucy Jackson who just preceded you as an applicant? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors owned an improvement at the time this treaty was made, upon what constituted the old Choctaw Nation in Mississippi and Alabama?
- A No sir.
- Q Do you know whether any of your Choctaw ancestors moved from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838, when the Choctaws moved to this country? A No, I don't know.
- Q Do you know whether any of your Choctaw ancestors went before the Agent in Mississippi within six months from the date the treaty was ratified, that is, within six months from the 24th day of February, 1831, and told him they wanted to stay in the states and take lands under this article? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any lands under the provisions of this article?
- A No, I don't know.

In accordance with the provisions of this article the government directed an Agent in Mississippi to register the names of all of the Choctaws who wanted to remain in the old Choctaw Nation and take lands under its provisions. The records of the government show that this Agent failed to register the names of a great number of Choctaws who really did appear before him and signified their intention of remaining and taking lands, and on this account lands on which Choctaws had improvements and which they desired to reserve for them, was sold by the government at its public land sales, and on this account they were deprived of their lands and a great many complaints was made by the Choctaws and these complaints finally reached Congress, and Congress, under various Acts, appointed Commissions to go into the state of Mississippi and investigate these claims. They investigated a large number of claims, some of which they allowed, some they rejected. Of the claims allowed, if the lands had not been sold by the government, the Indians were put in possession of them. If, however, the lands which the Indians had established rights to had been sold, such Indians were given scrip in lieu of the lands which had been sold. Under this scrip they were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors go before any of these Commissions and attempt to establish claims to lands under this article? A Not as I know of.
- Q Did any of your Choctaw ancestors receive any scrip from any of these Commissions for lands which had been sold? A Not as I know of.
- Q Did any of your Choctaw ancestors own any lands in either the state of Mississippi, Alabama, Louisiana or Arkansas?
- A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not as I know of.

Robert Jackson--5.

- Q So far as you knew did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A Not as I know of.
- Q Do you know of any witnesses that you can bring before the Commission who could testify that your ancestors did live in Mississippi in 1830, at the time this treaty was made, and that they did take lands from the United States government as Choctaw Indians under this treaty? A No sir.
- Q Do you know of any written evidence that you can furnish the Commission with that would tend to show that your Choctaw ancestors lived in Mississippi in 1830 at the time this treaty was made, and complied with the provisions of this article fourteen? A No sir.
- Q Is there any further statement you desire to make? A No.
- Q Have you any written evidence that you want to offer at this time? A No.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q You have testified that you are the son of Lucy Jackson who has just preceded you; do you want the evidence in her case to be considered with the evidence in your case? A Yes sir.

This applicant has black kinky hair, features and appearance of a person of African descent, does not speak or understand the Choctaw language and has no knowledge of his ancestry beyond his father and mother; nor has he any knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

  
Subscribed and sworn to before me this 13th day of January, 1902.

  
Notary Public.

COPY.

M.C.R. 4463

Muskogee, Indian Territory, November 19, 1902

Robert Jackson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Jackson, et al.,  
Robert Jackson.

M.C.R. 4462  
M.C.R. 4463

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Indians, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and depose all other persons necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Jackson, Frank Jackson, Florence Jackson, Corbin Jackson, Cora Jackson, Edie Jackson, Sam Jackson, Alida Jackson, Ella Gertha Jackson, Jimmie Jackson, Reuben Jackson and Robert Jackson as Choctaw Indians entitled to rights in the Choctaw

lands under the provisions of said article, and the treaty of eighteen hundred and thirty-one, and the provisions for their identification as such lands as provided, it is so ordered."

You are further advised that you will have 30 days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

DESIGNED

*Jane Bixby.*

Acting Chairman.

# Reformation



COPY.

M.C.R. 4452.

Muskogee, Indian Territory, March 12, 1903.

Robert Jackson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Jackson, et al., of which decision you were advised by registered mail on the 19th day of November, 1902.

Respectfully,

SIGNED

*James Birby.*  
Chairman.

No. 4163

For Identification as a Mississippi Choctaw.

Date JAN -7 1902

Name *Robert Jackson*

Age *23* Blood *Don't Know*

Post Office *Oynnesworth I. I.*

Father: *Andrew Jackson* ✓

Mother: *Lucy Jackson* ✓

Claims through *Mother*

*Claim for self alone*

Children:

Choctaw MCR 4464

Lizzie Terry

MCR 4464

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Terry, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4464.

List of papers forwarded to the Secretary of the Interior,  
comprising the record in the case of Lizzie Terry, et al., M.C.R.  
4464.

|  | page |
|--|------|
| Original application of Lizzie Terry, et al.,<br>to the Dawes Commission for identification as Mississippi<br>Choctaws.....          | 1    |
| Ex parte affidavit of Catherine Franklin.....  | 7    |
| Certified copy of marriage record between Dock<br>Terry and Lizzie Green.....  | 8    |
| Decision of the Commission refusing the applica-<br>tion of Lizzie Terry, et al., for identification as<br>Mississippi Choctaws..... | 9    |



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JANUARY 7, 1902.

4464

In the matter of the application of Lissie Terry for the identification of herself and her two minor children, Theresa and Cliffie Terry, and her minor sister, Amanda Knights, as Mississippi Choctaws.

No attorney representing applicant:

Lissie Terry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lissie Terry.
- Q How old are you? A I am twenty seven years old.
- Q How much Choctaw blood do you claim? A One fourth.
- Q What is your post office address? A Wynnewood, I.T.
- Q How long have you lived there? A Lived there three years.
- Q Where did you live before that? A I lived in Texas.
- Q Were you born in Texas? A No sir; in Alabama.
- Q You moved from Alabama to Texas? A Yes sir.
- Q Is your father living? A No sir.
- Q What was his name? A Edward Green was his name.
- Q How old would your father be if he was living? A I don't know sir.
- Q Do you know when he died? A No sir; I don't know.
- Q Do you know when he was born? A No sir.
- Q Is your mother living? A She was living eight years ago.
- Q You don't know whether she is living at this time or not? A No sir.
- Q What was her name? A Martha Knights was her name when I left her.
- Q Where was she living when you last heard from her? A Not since I left Alabama.
- Q Through which parent do you claim your Choctaw blood? A My mother.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory either by the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Doc Terry.

- Q What race is he? A He is a negro.
- Q makes no claim to Choctaw blood? A No sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children for whom you desire to make application at this time? A Yes, I have two children of my own and my little sister that my mother gave me when I left.
- Q What are the names and ages of your children? A Theresa Terry, eight years.
- Q What is the name of the other child? A Cliffie; age, four years.
- Q You say you want to make application for your sister? A Yes, my little sister.
- Q She is a full-sister of yours? A No sir; my father died and mother married another man.
- Q Well, what is the child's name? A Amanda Knights.
- Q Is the father living? A No sir.
- Q What was his name? A Jordan Knights.
- Q And the mother? A Martha Knights.
- Q You say you don't know whether your mother is living or not? A No sir; I haven't heard from her since I left there.
- Q How old is this sister of yours? A She will be eleven years old in May; thirteen I should say.
- Q Does this sister of yours possess the same amount of Choctaw blood you do? A Yes sir.
- Q And derives it from the same source you do? A Yes sir.
- Q You say you and your sister possess the same amount, a quarter Choctaw blood; what is the other three quarters? What kind of blood is the other three quarters? A Negro I guess.
- Q your father was negro, was he? A Yes sir.
- Q And Jordan Knights was negro also? A Yes sir.
- Q Were your father and mother slaves? A Yes sir.
- Q Was the father of your sister a slave also? A Yes, I think so.
- Q Then this application is for yourself, your half-sister and your two minor children? A Yes sir.
- Q Is your name or the name of your sister or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did any one for you or for your sister or your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you or any one for you or your sister or for your oldest child make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir.
- Q Have you or your sister or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself, your sister, or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw Nation, Indian Territory under the fourteenth article of the treaty between the United States and the Choctaw Indians concluded September 27, 1830? A Yes sir.

This treaty was concluded at a place called Dancing Rabbit Creek in Mississippi; the Choctaws at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line: the object of the treaty was to secure the removal of the Choctaws from the old Nation to the new country West of the Mississippi River. By the time the treaty was made some of the Choctaws didn't want to go to this new country but wanted to remain in the old Choctaw Nation and for the benefit of this class of Indians article fourteen was made a part of that treaty. Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw desired to remain in the old Choctaw Nation and receive lands from the Government under its provisions he should within six months from the ratification of the treaty-- 24th February, 1831, - signify to the Indian agent, that is tell him, in some way let him know that he intended to remain and take lands under the provisions of this article; in doing this he was entitled to a section of land as head of a family, 640 acres, and for each child over ten years a half section or 320 acres, and for each child under ten a quarter section or 160 acres-- the reservations of the children to adjoin that of the parent, and these reservations to include the improvements the head of the family had at the time the treaty was made, Sep. 27, 1830. This article also required that if a Choctaw had received his land he should reside upon it for five years after which time the Government would give him a title in fee simple, that is a deed or certificate or patent to the land after which he could dispose of the land at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Generally, that means that if a Choctaw remained in the old Nation and took his land and resided upon the same five years he didn't forfeit his right to citizenship in the Indian Territory but he would get none of the moneys paid to the Indians yearly under treaty provisions.

Q Do you think you understand that article as read and explained to you? A Yes sir.

Q What was the name of your Choctaw ancestor who lived in Mississippi at the time this treaty was made? A John Washington was my great grandfather.

Q You claim your Choctaw blood from your mother? A Yes sir.

Q Whom did she get her Choctaw blood from? A From her mother.

Q Q What was her mother's name? A Mandy Hood; that was her married name.

Q What was her name before she married? A Mandy Washington.

Q Was Mandy Hood married and the head of a family in 1830?

A No sir I don't think she was.

Q Was John Washington married and the head of a family in 1830?

A Yes sir.

Q Did he live in the old Choctaw Nation in Mississippi or Alabama at that time? A Yes sir. That's what my mother said.

Q Was he a recognized member of the Choctaw tribe of Indians at that time? A Yes sir.

Q Have you any proof that he did live in the old Choctaw Nation in Mississippi or Alabama and that he was a recognized Choctaw Indian? A No sir; I haven't got any proof, no more than what my mother said.

Q Did any of your Choctaw ancestors own any improvements upon what constituted the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A Yes, I suppose so.

Q What makes you think that they did? A I forget what my mother told me; I don't know whether she said anything about that or not.

Q Then you don't know whether they owned any improvements or not? A No sir.

Q Do you know of any proof of any kind that would tend to show that they did own any improvements on such land--- A No sir.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, between the years 1833 to 1838 when the Choctaws emigrated to this Choctaw Nation, Indian Territory? A I don't know.

Q Did any of your Choctaw ancestors within six months after the 24th of February, 1831, the day the treaty was ratified, go before the United States Indian agent and tell him they wanted to stay in Mississippi and take land there? A My grandfather did.

Q He did go before the agent? A That's what my mother said.

Q Have you any proof of any kind other than what your mother said to show that he did? A No sir. But I will try to get somebody that knows my people.

Q Well, do you know of anybody that could testify to that fact?

A No sir.

Q Did any of your ancestors own or claim any land from the United States Government as Choctaw Indians, in that old Choctaw Nation?

A No sir, I don't know.

In accordance with the provisions of article fourteen of the treaty the Government directed an agent in Mississippi to register the names of those Choctaws who wanted to remain and take lands there in Mississippi under this article. The records of the Government show that this agent failed to register the names of a great many Choctaw Indians who really did go before him and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States; on this account the lands upon which

the Choctaws had improvements and which they desired reserved for them under this article were sold and the Choctaws lost their land; this caused a great many complaints among the Choctaws and these complaints finally reached Congress; Congress under various Acts appointed a Commission to investigate these claims; these Commissions took up and passed on many claims, some of them they allowed some were refused or rejected. Of the claims allowed, if approved by the Secretary of War and the President and the lands had not been sold the Indians were put in possession of them; if, however the lands which the Indians claimed and which they established their claim to before these Commissions had been sold they were given scrip in lieu of the lands sold and under this scrip they were entitled to locate on the Public Land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your ancestors appear before any of these Commissions and attempt to establish claims to land under the fourteenth article? A Yes, my great grandfather.

Q How do you know he did? A That's what my mother told me.

Q You have no other proof other than what your mother told you? A No sir.

Q Did your Choctaw ancestor receive any scrip from these Commissions in lieu of lands taken from them and to which they had established claims? A Yes sir.

Q How do you know they received scrip? A That's what my mother told me.

Q Have you any proof of any kind that they did go before this Commission and establish their claims to lands and take scrip in place of the lands? A No sir.

Q Nothing but what your mother told you? A No sir.

Q Do you know of the existence of any documentary evidence, any written evidence, any papers of any kind that would tend to show that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Do you know of any witnesses that could testify that they complied or attempted to comply? A No sir. I don't know of none but I can find or try to find some I think.

Q Has your mother ever been before the Commission to the Five Civilized Tribes at any time in Mississippi at any of their appointments over there and made application for identification as a Mississippi Choctaw? A No sir.

Q The Commission has been there for the last seven or six months has she ever been before them that you know of? A I don't know sir.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A That's what my mother told me.

Q Do you know? A No sir, I don't.

Q So far as you knew did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A I don't know.

Q Have you any witnesses that you want to bring before the Commission today in support of your application? A No sir I got no witnesses.

Q You understand, do you, that you are claiming lands in the Choctaw Nation which belong to the Choctaw Indians? A Yes sir.



Q Do you understand that your unsupported claim will have little weight; and that you have offered nothing but your un-supported statement? (No answer).

Q Is there any other statement of any kind that you want to make? You have offered nothing but your own personal statement? A No sir; I don't know any other statement only that I will try to get a witness, somebody that knew my people.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black, kinky hair,- the features and appearance of a person of mixed white and African blood, African predominates largely,- white possibly an eighth or sixteenth. Does not speak the Choctaw language and has no knowledge of the compliance by any ancestor with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 16th day of January, 1902.

*Chas W. Mitchell*  
Notary Public.

D. W. L.  
C. W.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Terry, et al.,  
for identification as Mississippi Choctaws, H.C.R. 4444.

- - - DECISION - - -

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Lizzie Terry for herself and her two minor children, Theresa and Effie Terry, and for her minor half-sister, Amanda Wright, under the following provision of the act of Congress approved June 28, 1878 (20 Stat., 489):

"That the Secretary shall have authority to determine the identity of persons claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may examine all claims, receive evidence and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of John Washington, who is alleged to have been possessed of some Choctaw blood (degree thereof not stated), and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Washington, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 133) and August 22, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Linde



Terry, Theresa Terry, Clifflie Terry and Amanda Knight, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tamr Birby

Acting Commissioner

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory,

DEC 6 1902

Miss. Cheater 4464

Muskogee, Indian Territory, June 2, 1902.

Dock Terry,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, inclosing affidavit of Cathrine Franklin, which you offer in support of the application of Lissie Terry et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Miss. Choctaw 4464

Waskogee, Indian Territory, June 3, 1902.

Dock Terry,

Wynnewood, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of May 30, inclosing certified copy of the marriage license and certificate between Dock Terry and Lissie Green, offered in support of the application of Lissie Terry, et al. for identification as Mississippi Choctaws, and the same has been made a part of the record in this case.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lizzie Terry, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898, (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Terry, Theresa Terry, Clifflie Terry and Amanda Knights, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Assistant Secretary.

COPY.

H. C. R. 4464.

Muskogee, Indian Territory, December 6, 1902.

Lizzie Terry,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lizzie Terry, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Terry, Theresa Terry, Elfric Terry and Amanda Knight, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this



Alveta Perry — 2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Terns Bixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith the record in the case of Lizzie Terry, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Terre Durr*  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4543.

COPY

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

Land  
76225--1902.

February 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Lizzie Terry, for herself and her two minor children, Theresa and Cliffie Terry, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from John Washington, who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation, in Mississippi at the time of the making of the Choctaw treaty of 1830, through Mandy Hood, nee Washington, and Martha Knights.

The Commission rejected the applicants December 6, 1902, because the names of their ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants had never been



enrolled as citizens of the Choctaw Nation.

An examination of the records of this office discloses the fact that the names of John Washington, Mandy Hood, nee Washington, and Martha Knight do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, neither does it appear that they applied to the commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants hereto, be approved.

Very respectfully,

A. G. Tonner,

Acting Commissioner.

C.T.S. (H).

-H-

of his letter is inclosed.

The Department finds no reason to modify your decision and accordingly affirms the same.

Respectfully,

(signed)

THOS RYAN.

1 inclosure.

Acting Secretary.

DEPARTMENT OF THE INTERIOR.

KAT.

WASHINGTON.

D. C. 8984.  
TTD. 2506-1903.  
LRS.

March 27, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lizzie Terry and her minor children, Theresa and Cliffie Terry, and her minor half-sister Amanda Knights, including your decision of December 6, 1902, refusing the application.

The applicants claim to be descendants of one John Washington, alleged to have been a Choctaw Indian and to have resided in Mississippi or Alabama in 1820.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that John Washington, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1848 (5 Stat., 213).

Reporting February 28, 1903, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy

M.C.R. 4464.

COPY.

Muskogee, Indian Territory, April 8, 1903.

Lizzie Terry,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Lizzie Terry, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Yours truly,

C. E. Breckinridge,  
Commissioner in Charge.



M. C. R. 4444.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Manfield, Murray & Son,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Linnie Terry, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

C. R. Breckinridge.  
Commissioner in Charge.

JAN 14 1903

FILED

ACTING CLERK



REGISTERED  
JAN 14 1903  
MUSKOGEE, IND. TER.

Reg No. 11  
11



4722

Lizzie Terry,

~~\_\_\_\_\_~~, ~~\_\_\_\_\_~~

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.





No. 4464

For Identification as a Mississippi Choctaw.

Date JAN -7 1902

Name Lizzie Terry

Age 27 Blood  $\frac{1}{4}$

Post Office, Wynnewood I.T.

Father: Edward Green Pratt

Mother: Martha Knights Brother

Claims through mother  
Husband

Doc Terry Negro ✓  
no claim for him

Claims for self  $\frac{1}{2}$  Sister & 2 Children

Children:

Theresa Terry 8

Cliffie Terry 4

$\frac{1}{2}$  Sister

Amanda Knights 13 <sup>blood  $\frac{1}{4}$</sup>

father  
Jordan Knights  
mother  
Martha Knights

Choctaw MCR 4465

Richard A. Osborne

See MCR 5204

MCR 4465

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JANUARY 7, 1902/

4465

In the matter of the application of Richard A. Osborne for the identification of himself and his five minor children, Eva, Addie, Burrell, Jesse and Willie Osborne, as Mississippi Choctaws.

J.E.Arnold, attorney for applicant:

Richard A. Osborne being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Richard A. Osborne.  
Q How old are you? A I am forty nine.  
Q How much Choctaw blood do you claim? A One eighth.  
Q What is your post office address? A Leonard, Texas.  
Q How long have you lived there? A About fourteen years.  
Q Where were you born? A In South Illinois.  
Q Did you move from Illinois to Texas? A Yes sir.  
Q Never lived anywhere else but Illinois and Texas? A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A Radford B. Osborne.  
Q How old would he be if living? A He would have been about seventy five; he has been dead four years.  
Q Is your mother living? A No sir.  
Q What was her name? A Frances Osborne.  
Q How old would your mother be if living? A Well, I can't hardly tell you; she died in '65 August, the year the War broke out; she was about thirty eight years old; she would be over sixty now.  
Q That would make her about sixty five years of age if she were living now, would it? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother.  
Q Where were your mother and father married? A In Wabash County, Illinois.  
Q Where was your mother born? A In Tennessee I think, Wilson County.  
Q Where did she die? A In Illinois.  
Q Did she ever live in the State of Mississippi? A Well, I don't know whether she did or not. They came from Mississippi or somewhere down in there. Now this originated from her father, Carpenter was his name.

Q Was your mother ever recognized in any manner by the Choctaw tribal authorities in the Indian Territory as a member of the Choctaw tribe? A Not that I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Eliza Jane.

Q Are you living with your wife? A Yes sir.

Q Does she make any claim for Choctaw blood? A No sir.

Q Do you make any claim for her? A No sir.

Q Have you any children unmarried and under the age of twenty one for whom you desire to make application? A Yes sir.

Q Give the names and ages of these children commencing with the eldest. A Eva Osborne.

Q How old is she? A Nineteen.

Q Well-- A Addie, fourteen; Burrell, twelve; Jesse.

Q Girl or boy? A Boy. Here he is right here, he is five years old; there is another one, Willie.

Q Boy or girl? A Boy.

Q How old is he? A Three years old.

Q Is that all the children? A Yes sir.

Q Give me the names of your children who are married or over the age of twenty one. A James Osborne; Johnnie Osborne, that's all.

Q Either of them married? A Yes, the last one, John.

Q Has he any children? A No sir.

Q Are you and your wife legally married? A Yes sir.

Q By a minister or an official? A Minister.

Q Were you married under a license? A Yes sir.

Q Have you that marriage license and certificate? A No sir; not with me; I will get that later on.

It will be necessary for you to file evidence of your marriage to your wife either the marriage license and certificate or certified copies of the same.

Q Is your name or the name of any of your minor children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Well, you would know if they were? A Yes sir.

Q Then your answer to that question would be "no"? A Yes sir.

Q Did you or any one for you or your minor children make application to the Choctaw tribal authorities for citizenship in that Nation? A No sir.

Q Did you or anyone for you or for your minor children make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Did you authorize any one to make one for you? A No sir.

Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.

Q Have you ever made application prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time claiming rights in the Choctaw lands, Indian Territory, for yourself and these minor children under the provisions of the treaty between the United States Government and the Choctaw Indians concluded in Mississippi

on the 27th day of September, 1830? A Yes sir.

This treaty was entered into between the United States Government and the Choctaw Indians at a place called pancing Rabbit Creek in Mississippi on the 27th day of September, 1830; at that time the Choctaw Indians occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country West of the Mississippi River. At the time this treaty was made some of the Indians didn't want to go but preferred to remain there and for the benefit of those and this class of Indians article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section of land to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw desired to remain in the old Choctaw Nation and become a citizen of the States and take land under its provisions he should within six months from the ratification of the treaty-- February 24th, 1831, that was-- signify to the agent there in Mississippi his intention to remain and take land under its provisions and after doing this he was entitled to a reservation of land as a head of a family of one section or 640 acres of land, to be bounded by sectional lines of survey; also a half section or 320 acres to his child over ten and unmarried, and a quarter section, 160 acres to such child under ten the reservation of the children to adjoin that of the parent, and this reservation to include the improvement the head of the family owned at the time this treaty was made. This article also required that after he had received land from the Government he should live on it five years, after which the Government would give him a title in fee simple, which would enable him to dispose of the land at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of Choctaw citizenship but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who signified his intention of remaining in the Choctaw Nation there and who did remain and take land there and become a citizen of the States did not thereby forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit the annuities, that is moneys to be paid the Choctaw Indians annually by the Government under treaty provisions.

Q Do you think you understand that article as read and explained to you? A Yes sir.

Q What was the name of your ancestor who lived in Mississippi at the time this treaty was made? A William Carpenter.

Q You claim your Choctaw blood from your mother? A Yes sir.

Q From whom did she get her Choctaw blood? A From her father.

Q What was his name? A William Carpenter.

Q Now was William Carpenter married and the head of a family in 1830? A Yes sir. I don't know whether it was in 1830 or not; I can't testify as to that.

Q You say you cannot testify as to whether he lived in the old Choctaw Nation in Mississippi or Alabama in 1830 or not? A No sir.

Q Do you know of any proof of any kind that would establish the fact that this ancestor, William Carpenter, did live there in 1830? A Well, no; I don't know of any actual proof.

Q Well, was William Carpenter married and head of a family in 1830? A Yes sir.

Q But you don't know whether he resided in the State of Mississippi or Alabama at that time or not? A No sir.

Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I only knew from the neighborhood talk.

Q What was that neighborhood talk? A It was from the people over the country.

Q Did that talk tell you he was a recognized Choctaw Indian?

A Well, he was a Choctaw Indian.

Q How much Choctaw blood did William Carpenter have? A He was something like a half.

Q Have you any evidence of any kind that would go to show that he was a recognized member of the Choctaw tribe of Indians at that time? A No sir; except by the children- he has children down where I live that says it very plainly.

Q Says what? A The Indian blood.

Q Well, my question was have you any proof that he was a recognized member of the Choctaw tribe of Indians in 1830? A No sir; I haven't.

Q Did these ancestors or this ancestor of yours own any improvement on land in the old Choctaw Nation in Mississippi or Alabama? A Not that I knew of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw nation in the Indian Territory between 1833 to 1838 at the time the Choctaws emigrated from the old Nation to the new country? A No sir; this William Carpenter started and got as far down as Illinois and took sick and died; and it is supposed that he was coming to this Territory.

Q Did these Choctaw ancestors of yours within six months after the ratification of the treaty-- Feb. 24, 1831, - go before the Government agent in Mississippi and tell him that they wanted to stay in Mississippi and take land there? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive land from the United States Government as Choctaw Indians under the provisions of the fourteenth article of that treaty? A No sir.

In accordance with the provisions of this article the Govern-



ment directed an agent in Mississippi to register the names of all those who wanted to remain and take land in Mississippi and become citizens of the States. The records of the Government show that this agent failed to register the names of a great many Choctaws who signified their intention of remaining and on this account in many instances, the land upon which the Choctaws had improvements and which they desired reserved for them by the Government were sold by the Government at Public Land Sale. This caused many complaints among the Choctaw Indians; these complaints reached Congress and Congress appointed a Commission to investigate these claims; these Commissions investigated many claims, some they allowed some they rejected; of the claims allowed, if the land had not been sold at this Public Land Sale the Indians were given them; if, however, the lands had been sold the Indians were given scrip in lieu of the lands which they had lost and under this scrip they could locate lands in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your Choctaw ancestors own any land in any of these States? A No sir.

Q Did they ever receive any scrip from the United States Government from these Commissions for lands that had been sold? A No sir.

Q Did any of your ancestors appear before any of these Commissions and attempt to establish their claims under article fourteen? A No sir.

Q So far as you know were any of your ancestors recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did any of your ancestors ever receive any lands from the United States Government as Choctaw Indians? A No sir.

Q Do you know of the existence of any written evidence, such as deeds, patents or papers of any kind that would tend to show that any of your ancestors ever complied with the provisions of the fourteenth article? A No sir.

Q Do you know of any witnesses you could bring that would testify to these facts? A No sir.

Q Have you any written evidence you want to file in support of your case today? A No sir.

Q Have you any witnesses to introduce? A No sir.

Q Do you speak or understand the Choctaw language? A No sir. I don't know a word about it.

Q Have you any relatives, members of your family, who have been before this Commission and applied for identification as Mississippi Choctaws? A Yes; Mary J. Simpson.

Q Any others? A That's all.

Q What relation is Mary J. Simpson to you? A Sister.

Q You derive your Choctaw blood from the same source she does?

A Yes sir.

(Reference is heremade to U.S.R. 4322, Mary J. Simpson et al.)

Q You desire the evidence in her case to be considered as evidence in your case? A Yes sir.

Q Do you know of any other descendants of William Carpenter who applied before this Commission for identification as Mississippi



Chootaw? A No sir.

( Attorney for applicant asks leave for time to file evidence in support of this claim. Reasonable time will be granted for the filing of proper evidence in support of this application.)

This applicant has dark brown hair, dark gray eyes; features and appearance of a person descended from white parent age; has no knowledge of the Chootaw language and no knowledge of the compliance on the part of any ancestor with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Wains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Wains.

Subscribed and sworn to before me this 16th day of January, 1902.

*Clarence H. Hallwood*

Notary Public.

DOPY.

Muskogee, Indian Territory, December 1, 1902.

Richard A. Osborne,  
Leonard, Texas.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Osborn, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                             |             |
|-----------------------------|-------------|
| William T. Osborn, et al.,  | M.C.R. 3204 |
| Richard A. Osborne, et al., | M.C.R. 4465 |
| James Osborne,              | M.C.R. 4466 |
| Mary J. Simpson, et al.,    | M.C.R. 4322 |
| Eural Simpson,              | M.C.R. 4467 |
| John Osborn, et al.,        | M.C.R. 4706 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Richard A. Osborne-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrell Osborn, Richard A. Osborn, Eva Osborn, Addie Osborn, Burrell Osborn, Jesse Osborn, Willie Osborn, James Osborn, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.

M.C.R. 4465

COPY.

Muskogee, Indian Territory, July 14, 1903.

Richard A. Osborn,

Dear Sir:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaw of the several persons included in the consolidated case of William T. Osborn, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED) *T. B. Needles.*

6204

830000

William T. Hobbs et al

6/1/02

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

Date JAN -7 1902

Name Richard A Osborne

Age 49 Blood 1/8

Post Office, Leonard Texas

Father Radford B. Osborne Dead

Mother Frances " Dead

Claims through mother  
wife Eliza Jane Osborne  
no claim for wife

Claim for self & 5 children

Children:

Eva Osborne 19

Addie " 14

Burrell " 12

Jesse " 5

Willie " (M) 3

Stenographer H. G. Naim

Choctaw MCR 4466

James Osborne

See MCR 5204

MCR 4466



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JANUARY 7, 1903.

4466

In the matter of the application of James Osborne for identification as a Mississippi Choctaw.

J.E. Arnold, attorney for applicant:

James Osborne being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Osborne.  
Q How old are you? A Twenty two.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q What is your post office address? A Leonard, Texas.  
Q Where were you born? A In Illinois.  
Q Have you ever lived anywhere else besides Illinois and Texas?  
A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A E. A. Osborne.  
Q How old is your father? A I think he is about forty five.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Eliza Jane.  
Q How old is your mother? A I don't know.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where? A They said in Illinois.  
Q By a minister or an official? A I don't know; didn't hear them say.  
Q Have you their marriage license and certificate with you? A No sir.  
  
It will be necessary for you to furnish the Commission with evidence of your father's and mother's legal marriage, either the certificate and license or certified copy of the same.  
Q Are you married? A No sir.  
Q Then this claim is for yourself alone, is it? A Yes sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw?

taw Nation in the Indian Territory? A No sir; I reckon not.

Q Don't you know whether it is or not? A No sir, it aint there.

Q Did you or any one for you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission now for the purpose of making application for identification as a Mississippi Choctaw claiming rights in the Choctaw lands in the Indian Territory under the provisions of the treaty of 1830 between the United States Government and the Choctaw Indians concluded September 30, 1830-- the fourteenth article? A Yes sir.

This treaty was made at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied which was a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line to the new country West of the Mississippi River; at the time the treaty was made some of the Choctaw Indians didn't want to go to this new country but wanted to remain in that old Choctaw Nation: for the benefit of this class of Indians article fourteen was made a part of the treaty; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such a child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi and Alabama and receive lands from the Government under its provisions he should within six months from the ratification of the treaty-- the treaty being ratified on February 24, 1831,-- signify to the agent there in Mississippi his

intention to remain in Mississippi and take land there; after doing that he was entitled to a reservation of one section or 640 acres of land as the head of a family and for all children in his family over ten years of age and unmarried a half section or 320 acres and for all under ten years of age a quarter section or 160 acres; the reservations of the children to adjoin that of the parent; and this reservation to include the improvements owned by the head of the family at the time the treaty was made; after a Choctaw had received his land he was required to live on it five years after which the Government would give him a title in fee simple so he could dispose of it at his pleasure; the last clause of the article is as follows: "Persons who claim under this article shall not lose the privilege of Choctaw citizenship but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means the Choctaw who signified an intention of remaining in the old Choctaw Nation and receiving his land from the Government and he resided upon said lands for five years, if he removed over, he didn't forfeit his right to citizenship in the Choctaw Nation, Indian Territory but did lose his right to the Choctaw annuities, - that is moneys paid annually to the Choctaw Nation by the Government under the treaty provisions.

Q Do you think you understand that article? A Yes sir.

Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made?

A I don't know.

Q Do you know whether your Choctaw ancestors through whom you claim Choctaw Indian descent were married and heads of families in Mississippi in 1830? A No sir.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Did any of your Choctaw ancestors own any improvements on what constituted the old Choctaw Nation in Mississippi or Alabama about the time this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw Nation, Indian Territory, between 1833 to 1838 at the time of the emigration of the Choctaws from the old Choctaw Nation to the new Choctaw Nation?

A I don't know whether they did or not.

Q Did any of your Choctaw ancestors within six months from 24th of February, 1831, the date of the ratification of that treaty, go to the United States Indian agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors ever claim or receive any lands from the United States Government as Choctaw Indians under this article? A I don't know whether they did or not.

In accordance with the provisions of the fourteenth article of the treaty the United States Government directed an agent in Mississippi to register the names of all those Choctaws who desired to remain in the old Choctaw Nation and become citizens of the States and who wanted to take advantage and take lands under its provisions. The records of the Government show that the agent failed to register the names of many who appeared before him and told him they wanted to

stay in Mississippi and take land there, and on this account the lands on which the Choctaws had improvements and which they desired reserved for them under the fourteenth article were sold by the Government at Public Land sale by the Government; this caused so many complaints that Congress under various Acts appointed Commissions to go into the State of Mississippi and investigate these claims; they did so, and some of the claims were allowed and some rejected; of the claims allowed, if approved by the Secretary of War and the President, and their lands had not been sold the Indians were put into possession of it; if, however, the lands to which they made claims had been sold and their claims to it had been established, they were given scrip under which they could locate lands in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish claims to lands in those States?

A I don't know.

Q Did they claim or receive any scrip for lands which had been sold?

A No sir.

Q Did any of your Choctaw ancestors own any lands in the States of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q Do you know of the existence of any written evidence of any kind that would tend to show that any of your Choctaw ancestors complied or attempted to comply with the provisions of the fourteenth article

A No sir.

Q Do you know of any witnesses you could bring before this Commission that could testify that any of your Choctaw ancestors did comply with the provisions of that article or did apply to any of these Commissions for scrip or land? A No sir.

Q Are you the son of Richard Allen Osborne? A Yes sir.

Q -who has just preceded you as an applicant? A Yes sir.

Q You derive your Choctaw blood from him? A Yes sir.

Q Do you desire the evidence in his case to be considered with yours? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

( Here attorney for applicant asks leave for time in which to file written evidence or proper proof in support of this application. Motion is granted, and reasonable time will be allowed for the introduction of proper proof.

This applicant has light brown hair, grayish brown eyes, medium fair complexion; does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

-1-1-1-

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 16th day of January, 1902.

Henry G. Hains -  
Clara M. H. Wood  
Notary Public.



COPY.

Muskogee, Indian Territory, December 1, 1902.

James Osborne,  
Leonard, Texas.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Osborn, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                            |             |
|----------------------------|-------------|
| William T. Osborn, et al., | M.C.R. 5204 |
| Richard A. Osburn, et al., | M.C.R. 4465 |
| James Osburn,              | M.C.R. 4466 |
| Mary J. Simpson, et al.,   | M.C.R. 4322 |
| Burel Simpson,             | M.C.R. 4467 |
| John Osburn, et al.,       | M.C.R. 4706 |

These applications were made under the provision of the act of Congress of June 28, 1902 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

James Osborne

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William B. Osborn, Lillie Belle Osborn, Sanford Barrell Osborn, Robert L. Osborn, Eva Osborn, Addie Osborn, Burrall Osborn, James Osborn, Willie Osborn, James Osborn, Mary J. Simpson, Mrs. M. Simpson, Oscar Simpson, Edie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Ruth Simpson, Beryl Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen. The application of James Osborn and Mary J. Simpson for the application of the Commission to be made should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.

Acting Chairman.

Registered.

M.C.R. 4468

COPY.

Muskogee, Indian Territory, July 14, 1903.

James Osborn,

Leonard, Texas.

Dear Sir:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William T. Osborn, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date JAN -7 1902

Name James Osborne

Age 22 Blood 1/16

Post Office, Leonard Texas

Father: P. A. Osborne ✓

Mother: Eliza Jane " ✓

Claims through father

Admission for self alone

Children:

Stenographer

*H. G. [Signature]*

Choctaw MCR 4467

Burel Simpson

MCR 4467

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 7, 1902

4467

In the matter of the application of Burel Simpson for identification as a Mississippi Choctaw.

J.E. Arnold attorney for applicant.

Burel Simpson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Burel Simpson- is the way I spell it.  
Q How old are you? A Twenty three.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q What is your post office address? A Lone Grove, Indian Territory.  
Q How long have you lived there? A Four years.  
Q Where did you live before moving there? A Illinois.  
Q Were you born in Illinois? A Yes sir.  
Q Never lived anywhere except Illinois and Texas Indian Territory?  
A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Fred Simpson.  
Q How old is he? A Forty seven about.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary J. Simpson.  
Q How old is she? A Forty two.  
Q Through which parent do you claim your Choctaw blood? A My mother.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A She has come here.  
Q Before this Commission? A Yes sir.  
Q And applied for identification as a Mississippi Choctaw? A Yes sir.  
Q Has she ever been recognized in any way by the Choctaw tribal authorities? A No sir.  
Q Are you married? A No sir.  
Q This claim is for yourself alone? A Yes sir.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you or any one for you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five civilized tribes or the United States Court in Indian Territory?

A No sir.

Q Have you made application ever prior to this time to either the Choctaw tribal authorities or the authorities of the United States?

A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation, Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was entered into between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27th day of September, 1830: at the time the treaty was made the Choctaws occupied a portion of the State of the Mississippi and a small portion of the State of Alabama along the Western boundary line: the object of the treaty was to secure the removal of all the Choctaws from that old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. At the time of the making of that treaty some of the Indians did not want to remove but preferred to stay there in the old Choctaw Nation and for the benefit of this class of Indians article fourteen was made a part of the treaty; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article as read and explained to you? A Yes sir.

Q What is the name of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty

made? A William Carpenter.

Q What relation was he to you? A He was my mother's great grandfather.

Q You claim through your mother; whom did she get her Choctaw blood from? A From her mother.

Q What was her name? A Osborne.

Q Give the full name? A I have forgotten her given name.

Q This Osborne then, got her Choctaw blood from-- A William Carpenter.

Q That would make William Carpenter your mother's grandfather instead of your mother's great grandfather. A Yes sir.

Q You were mistaken then? A Yes sir.

Q How was this Choctaw ancestor of yours married and the head of a family in 1830? A I don't know.

Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I don't know.

Q Did he own any improvements on what constituted the old Choctaw Nation in Mississippi or Alabama at that time? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw Nation in the Indian Territory between 1833 to 1838 with the emigration of the Choctaws to the new Territory? A Not that I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty-- 24th February, 1831,- go before the Government agent there in Mississippi and tell him they wanted to stay in Mississippi and take land there? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive land from the United States Government under the provisions of this article? A Not that I know of.

In accordance with the provisions of this article the Government required an agent in Mississippi to register the names of all the Choctaws who wanted to remain in Mississippi and take advantage of its provisions. The records of the Government show that he failed to register the names of these Choctaws who did so and on this account the lands upon which these Indians lived and had improvements were sold by the Government at its Public Land Sale; this caused a great many complaints among the Choctaws and these complaints finally reached Congress and it appointed under various Acts Commissions to go and investigate: they did so, and some of the claims were allowed some of them rejected; of the claims allowed if approved by the Secretary of War and the President and the lands had not been sold the Indians were put in possession of them; if the lands they had established rights to had been sold they were given scrip with which they could locate lands in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish claims to lands which had been taken away? A Not that I know.

Q Did any of them receive scrip which would entitled them to lands in lieu of the lands which had been sold? A I don't know.

Q Did any of your ancestors own any land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q Do you know of the existence of any written evidence, deeds or patents to lands or papers of any kind that would show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Do you know of any evidence that would show that any of your ancestors received land from the United States Government? A No sir.  
Q Do you know of any witnesses who could testify to that? A No sir.  
Q Have you any relatives who have been before this Commission--  
A Yes sir; Mary J. Simpson; mother.

Reference is here made to M.C.R. 4322 Mary J. Simpson et al.

Q Do you desire to have the testimony in her case considered with yours--? A Yes sir.

Q Do you speak or understand the Choctaw Language? A No sir.

(Here attorney for applicant asks leave to file written evidence in support of this claim at a later date. Reasonable time will be allowed.)

This applicant has light brown hair, gray eyes, medium fair complexion; the features and appearance of a person of white parentage, does not speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 18th day of January, 1902.

*Charles H. Hallowood*

Notary Public.



COPY.

Muskogee, Indian Territory, December 1, 1902.

Bural Simpson,

Lone Grove, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Osborn, et al., embracing the following applications for identification as Mississippi

Cherokee:

|                            |             |
|----------------------------|-------------|
| William T. Osborn, et al., | M.C.R. 3203 |
| Richard A. Osburn, et al., | M.C.R. 4468 |
| James Osburn,              | M.C.R. 4466 |
| Mary J. Simpson, et al.,   | M.C.R. 4322 |
| Bural Simpson,             | M.C.R. 4467 |
| John Osburn, et al.,       | M.C.R. 4786 |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



Doral Simpson-8

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Elliot Wells Osborn, Sanford Burrall Osborn, Richard A. Osborn, Ben Osborn, Alice Osborn, Russell Osborn, James Osborn, Willie Osborn, James Osborn, Mary J. Simpson, Ida M. Simpson, Sarah Simpson, Ella J. Simpson, Esther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Mack Simpson, Doral Simpson, John Simpson and Mary Simpson as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article fourteen of the treaty of 1825 and thirty, and that the application for a patent for the same should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

Jane Birby  
Acting Chairman

Registered.

M.C.R. 4467

COPY.

Muskogee, Indian Territory, July 14, 1903.

Carol Simpson,

Gene Grays, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William T. Osborn, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

SIGNED:

*T. B. Needles,*

Commissioner in Charge.

Burel Simpson

DECISION RENDERED.

DEC 1 1902

R. 4467

DEC 1 1902

R. 4467

3207

No. 4127

For Identification as a Mississippi Choctaw.

Date JAN -7 1902

Name Purel Simpson

Age 23

Blood 1/16

Post Office, Lone Grove I.T.

Father: Fred Simpson ✓

Mother: Mary J. Simpson ✓

Claims through Mother

Claim for self alone

Children:

H. G. Hains

Choctaw MCR 4468

T. F. Donaho

See MCR 271

MCR 4468

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JANUARY 7, 1902.

4468

In the matter of the application of T.F. Donaho for the identification of himself and his minor child, David Donaho, as Mississippi Choctaws.

No attorney for applicant:

T.F. Donaho being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A T.F. Donaho.
- Q What is your age? A Going on fifty two.
- Q How much Choctaw blood do you claim? A About a fourth I reckon.
- Q What is your post-office address? A Corsicana, Texas; Navarro Co.
- Q How long have you lived there? A I have been living in that County about fifty years- may be fifty one or two.
- Q Were you born there? A No sir; I was born in Liberty County.
- Q Lived in Texas all your life? A Yes sir.
- Q Is your father living? A No sir.
- Q What was his name? A Daniel Donaho; I don't know much about my father.
- Q How old would your father be if he was living now? A I reckon he would be in eighty somewhere.
- Q Is your mother living? A No sir.
- Q What was her name? A Annie Donaho.
- Q How old would your mother be if living now? A Somewhere in eighty I don't know exactly.
- Q Through which parent do you claim your Choctaw blood? A Through both a little; my mother the most.
- Q How much Choctaw blood was your father possessed of? A I reckon he was about a fourth; I don't know now; it has been so long.
- Q How much was your mother possessed of? A A half.
- Q Where was your father born? A In Mississippi.
- Q Where was your mother born? A In Mississippi.
- Q Where did they die? A In Navarro County, Texas.
- Q When did they move from Mississippi to Texas? A I think it was somewhere between 1830 and 1833.
- Q You say your father was possessed of a fourth and your mother of a half Choctaw blood and you claim only a quarter. A I have something like that; they died when I was small, and all I knew about it is what they told me.
- Q You are not sure about the amount they were possessed of? A No; only what they said.
- Q To the best of your knowledge you are possessed of about a fourth



Choctaw blood? A Yes; about.

Q Did either your father or mother ever live in the Choctaw Nation, Indian Territory? A No sir.

Q They were never recognized members of the Choctaw tribe of Indians in the Indian Territory? A Not that I know of.

Q Never on the Choctaw tribal rolls in the Indian Territory? A No sir.

Q Were your father and mother legally married? A Yes sir.

Q Under a license? A Yes sir. I reckon so sir; will show you later on

Q Have you their marriage license and certificate with you? A I think I have---

Applicant offers the affidavit of Sarah J. Britain, Nellie Highnote and W.R. White-

Q This affidavit sets up that these parties have known you for thirty or forty years and knew your mother and father, Daniel Denaho and Anna Denaho; that they were recognized Choctaw Indians and that they resembled Choctaw Indians and that they emigrated from Mississippi sometime in 1830: this, however, is not evidence of the legal marriage of your father and mother. A Well, I can get it.

Q You give the name as Annie Denaho, the name of your mother.

A Yes sir.

Q These affidavits give the name as Anna- two of them Anna and one Annie; what is the correct name? A Well, she just went by the name of Ann; that's all I have ever heard her called.

The Commission will require that you produce the marriage license and certificate or certified copy thereof.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Sallie.

Q Is she a white woman? A Yes sir.

Q She makes no claim to Choctaw blood? A No sir.

Q You make no claim for her? A No sir.

Q Have you any children unmarried and under the age of twenty one you wish to make application for? A One.

Q Give me the name and age of that child. A David Denaho, twenty.

Q Then, this application is for yourself and your minor child? A Yes sir.

Q Were you and your wife legally married? A Yes sir.

Q When and where were you married? A In the County where I live; in that town of Corsicana, Navarro County, Texas; right after the confederate War.

Q By a mini ster? A Yes sir.

Q Have you a copy of the marriage license and certificate? A No sir

In support of this application which you make for your minor child, it will be necessary for you to file proof of that marriage, the marriage certificate and license or certified copy thereof.

Q Have you any children over the age of twenty one? A Yes sir.

Q Give the names. A Nellie; her married name is Martin.

Q Was she any children? A Yes; six.



Q Give their names. A The oldest one is Stella; the next one is Della; the next is named Joe, and the next name is Allen; the next one, the baby's name is Elmer; there's one that goes by the name of Coots- that girl- she is older than Allen; I'll be dogged if I know the right name.

Q Give the names now of your other children. A Lula Moro; she is unmarried; the name of her oldest child is Sarah; the next one is named Ed; the next one is Cal; the next one is named Bobby or Robert. Q Well, now, your other children. A My next oldest child is a boy named William Donaho.

Q Is he married? A Yes; and has four children; his oldest child is named Mamie, the next one is Ollie, the next Ora and the last one unnamed.

Q Now, your other child. A Charlie; he is married and has a family; his oldest child is named Mabel; the next one is Ed, the other one is named Gladys.

Q Any more of your children? A Yes; the youngest girl is married too; her name is Sallie Martin.

Q Give the names of her children. A Her oldest child is named Jessie, a girl; the other ones' name is Travis Wesley; the next one is named Arthur; that's all.

Q That's all of your family? A Yes sir.

Q Is your name or the name of your children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you or any one for you or your child in 1896 make application to the Commission to the Five Civilized Tribes to be enrolled as citizens of the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.

Q Have you ever made application for yourself or your minor child prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming lands in the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.

Q The treaty between the United States Government and the Choctaw Indians concluded September 27, 1830 in Mississippi? A Yes sir,

This treaty was made at Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830 between the United States Government and the Choctaw tribe of Indians. And the Choctaws at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line; the object of that treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country West of the Mississippi River. At the time this treaty was made some of the Choctaws didn't want to remove but wanted to remain where they were, and for the benefit of this class of Indians article fourteen was put into the treaty; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred

and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw desired to remain in the old Choctaw Nation and take lands from the Government under its provisions he should within six months from the ratification of the treaty of 1830-- February 24, 1831,-- signify his intention to the agent to remain and take lands under this article; he would then be entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey as head of the family, and for each child unmarried but over the age of ten one half that quantity or 320 acres, and for such child under ten, 160 acres or a quarter section, the reservations of the children to adjoin that of the parent, and these reservations to include the improvements owned by the head of the family at the time the treaty was made 1830.

After receiving these lands this Choctaw was required under the provisions of this article to live upon those lands for five years; after which the Government would give him a patent, or title in fee simple when he could dispose of the lands at his pleasure. The last clause of that article is as follows: Persons who claim under this article shall not lose the privilege of Choctaw citizenship but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who elected to remain in the old Nation and take lands under this article and who resided on those lands for five years, did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory but he lost his right to the Choctaw annuities, or yearly payments of money to the Indians under treaty provisions.

Q You think you understand that article as read and explained?

A I think so.

Q What was the name of your ancestor who lived in Mississippi at the time this treaty was made? A I don't know; I never seen one of my mother's people on earth; I never heard her say but very little about it.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of that article fourteen? A don't know.

Q Were they recognized members of the Choctaw tribe of Indians?

A I reckon; I don't know; I suppose so.

Q You say you get your Choctaw blood from both your father and mother? A Yes sir.

Q Were they married and head of a family in 1830-- your father and mother? A I don't know.

Q Do you know which of your ancestors were married and heads of family in 1830 at the time this treaty was made? A I reckon they was.

Q Did you have any brothers and sisters older than you? A Yes sir.

Q How much older was your oldest brother or sister than you? A My oldest brother was I reckon about eight or ten year older than me; I had no sister.

Q That would make your oldest brother, then, born about 1830?

A Yes sir.

Q To the best of your knowledge and belief then, your mother and father were married and head of a family in 1830? A I think so.

Q Did your father and mother then, within six months from the ratification of the treaty go before the Government agent in Mississippi and tell him they wanted to stay in Mississippi and take land there? A I think not.

Q Did your father and mother own any improvements on land on what constituted the old Choctaw Nation in 1830? A I don't know anything about it.

Q Did your father and mother remove from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw Nation, Indian Territory, at the time of the removal of the Choctaw Indians from the old to the new Choctaw Nation? A I think not; I think they removed from Mississippi direct to Texas; they might have stopped on the road a little while.

Q Do you know what year your father and mother moved from Mississippi? A No sir.

Q Did they ever claim or receive any land from the United States Government in Mississippi as Choctaw Indians under the fourteenth article? A Not that I know of.

In accordance with the provisions of the fourteenth article the Government directed an agent in Mississippi to register the names of all these Choctaws who wanted to stay in the old Choctaw Nation and take lands under its provisions; the records of the Government show that this agent failed to record the names of many who really did signify their intention to stay and take lands and on this account in many cases the land upon which the Choctaws had improvements and which they desired reserved for them under this article were sold by the Government at its Public Land Sale; this caused many complaint among the Choctaw Indians and these complaints finally reached Congress: Congress under various acts appointed Commissions to investigate these claims: a great many were investigated, some allowed and some rejected. Of the claims allowed, if approved by the Secretary of War and the President and their lands had not been sold they were given them; if, however, the lands to which the Indians had established claims had been sold the Government gave them scrip in lieu of the lands taken away and under this scrip they could locate lands in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your ancestors appear before any of these Commissions at any time and attempt to establish claims to lands under the fourteenth article? A I don't know.

Q Did any of your Choctaw ancestors own lands under this in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q Do you know whether any of them got any scrip? A Not that I know of.

Q The affidavits which you have filed in your case state that your parents, Daniel and Anna Donaho emigrated from Mississippi sometime in 1830 or the thirties; do you know what year in the thirties they did move from Mississippi to Texas? A No sir. I was born in Texas but I have forgotten if I ever heard.

Q Have you any proof that would tend to show that your ancestors complied or attempted to comply with the fourteenth article? A No sir.

Q Have you any proof of any kind that would tend to show that your Choctaw ancestors ever received any land from the United States Government as Choctaw Indians? A No sir.

Q So far as you know, then, your ancestors never received any benefits as Choctaw Indians? A Not that I know of.

Q So far as you know, were they ever recognized members of the Choctaw tribe of Indians? A Well, I reckon they was.

Q Well, do you know? A No.

Q Do you know of the existence of any kind of proof that would tend to show that your Choctaw ancestors resided in the old Choctaw Nation in Mississippi or Alabama on the 27th day of September, 1830 at the time this treaty was made? A I don't know positively that I do; I think I can get that proof.

Q What kind of proof do you think you will get? A I will get it from the Court- the license and certificate.

Q You realize that you are applying for valuable property rights and you should get all the evidence you can and as your case now stands you have only your own unsupported testimony for it to rest upon? A Yes sir.

Q Is there any other statement you desire to make at this time? A Not now.

Q Have you any witnesses you want to introduce at this time? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any relatives who have appeared before this Commission for identification as Mississippi Choctaws? A No sir; not that I know of.

Q Have you any brothers and sisters living or any dead who have left children, families? A I have two brothers living.

Q Give their names. A Blackstone B. Donaho and J.R. Donaho.

Q Have they both families? A Yes sir.

Q Do you know the names of any of their children? A No sir; I don't

Q Is that the whole family? A That's all that's living.

Q Have you some dead that have left children? A Yes sir.

Q Do you know the names of their children? A Some of them.

Q Give the names you know. A Well, my oldest brother's child was free when he died; the next oldest one was a daughter, Sallie Peters- that's my brother's daughter- a niece.

Q What is the name of that brother who is dead? A Louis Donaho.

My next brother's name was Augustus.

Q He is dead? A Yes; left a family of four children- their names- Becky, Ella,- the next two is twins, one named Minnie and the other Minty. My next oldest brother is not living I reckon.

Q Your brother's name? A Winston; he is dead. The children's names is: Isaac and Nancy; now I have another brother, his name was-- I gave it a while ago- J.R.- he is living but I can't give the names of his children.

Q Have any of your relatives been before the Commission at any time? A Not that I know of.

( Reference is made to M.C.R. 986, Blackstone B. Donaho et al.)

This applicant has black hair mixed with gray, the gray predominating dark gray eyes, florid complexion, the features and appearance of a white parentage; does not understand the Choctaw language and has no knowledge of the compliances on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry O. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on January 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry O. Hains.

Subscribed and sworn to before me this 18th day of January, 1902.

*Oliver Mitchell*  
Notary Public.



Muskegee, Indian Territory, January 29, 1902.

T. F. Donaho,

Corsicana, Texas,

Dear Sir:

Receipt is heroby acknowledged of certified copy of the marriage license and certificate between T. F. Donaho and Sallie Cookrell, also affidavit of Mrs. Sallie Donaho, which you offer for filing in support of your application for the identification of yourself and your son as Mississippi Choctaws. The same have been made a part of the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman,

MC 4400

Washoe, Indian Territory, January 31, 1902.

T. F. Donaho,  
Gerviciana, Texas.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of Isaac B. Donaho et al. and Robert E. Donaho et al., you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

It appears from our records that at Washoe, Indian Territory, on January 7, 1902, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Washoe, Indian Territory, on Monday, March 10, 1902, at nine o'clock A. M., there will be heard



T. W. D. +2.

the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

H.C. 4468

Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, March 10, 1902.

Received of the Commission to the Five Civilized Tribes, one copy of the testimony in the matter of the application for identification as Mississippi Choctaws of T. F. Donaho and his minor child, David Donaho.

*L. P. Hudson &  
Smith & Carr*

Attorney for applicant.

Washkege, Indian Territory, January 31, 1903.

T. F. Donaho,  
Corsicana, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, relative to the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Isaac H. Donaho, et al. You state that you would like to know wherein your evidence was insufficient and that you will try to get further proof; that you have written your attorney, Mr. L. P. Hudson, to call upon the Commission and "see what is necessary."

In reply to your letter you are informed that the Commission on January 13, 1903, rendered its decision refusing the right of the several applicants included in the consolidated Mississippi Choctaw case of Isaac H. Donaho, et al., to be identified as such Mississippi Choctaws, and on the same date the applicants were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision in which to file arguments in support of their claims to be forwarded to the Secretary of the Interior. The fifteen days heretofore granted in this case, will expire on February 3, 1903, and

T. F. D.—2

on February 4, 1903, the record in the case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

You are further advised that the fifteen days granted applicants in Mississippi Chester cases to file arguments in support of their claims to be forwarded to the Secretary of the Interior with the decision of the Commission refusing such applications, are granted under specific instructions from the Secretary of the Interior and cannot be extended.

You are also advised that Mr. L. P. Hudson was on May 27, 1902, suspended from practicing as an attorney before this Commission.

Respectfully,

Acting Chairman.

COPY.

H.C.R. 4468.

Muskogee, Indian Territory, January 19, 1903.

T. F. Donaho,

Corsicana, Texas.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac H. Donaho, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                  |              |
|----------------------------------|--------------|
| Isaac H. Donaho, et al.,         | H.C.R. 271   |
| Robert H. Donaho, et al.,        | H.C.R. 273   |
| John H. Donaho,                  | H.C.R. 276   |
| Anna Jernagan, et al.,           | H.C.R. 2232  |
| Martin W. Palmer, et al.,        | H.C.R. 2233  |
| Will Palmer,                     | H.C.R. 2234  |
| James W. Palmer, et al.,         | H.C.R. 2235  |
| Florence Haldorine Ward, et al., | H.C.R. 570   |
| George W. Donaho,                | H.C.R. 571   |
| Walter Lee Donaho,               | H.C.R. 572   |
| Lena J. Clappitt, et al.,        | H.C.R. 614   |
| Thomas F. Donaho,                | H.C.R. 641   |
| Blackstone H. Donaho, et al.,    | H.C.R. 685   |
| T. F. Donaho, et al.,            | H.C.R. 4468  |
| William Donaho, et al.,          | H.C.R. 4608  |
| Joseph H. Young, et al.,         | H.C.R. 4609  |
| Frances Ann Young,               | H.C.R. 4610  |
| Parade L. Searcy, et al.,        | H.C.R. 4611  |
| Kellie Martin, et al.,           | H.C.R. 6147  |
| Lola Watson, et al.,             | H.C.R. 6148  |
| William L. Donaho, et al.,       | H.C.R. 6149  |
| Charlie Donaho, et al.,          | H.C.R. 6150  |
| Kellie Martin, et al.,           | H.C.R. 6151  |
| Sarah Katherine Peters, et al.,  | H.C.R. 6157. |

These applications were made under the provision of the Act of Congress of June 25, 1900 (30 Stat., 495), which is as follows:

COPY

T. F. D. # 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac H. Donaho, James Owen Donaho, Lucinda C. Donaho, Jerry S. Donaho, Evin J. Donaho, Robert H. Donaho, William Rufus Donaho, John E. Donaho, Anna Journagan, Eddie Journagan, Huley Journagan, Martin W. Palmer, Alice Palmer, Will Palmer, James W. Palmer, Harvey I. Palmer, Fay Palmer, Mary Palmer, Florence Malderine Ward, Annie May Ward, George W. Donaho, Walter Lee Donaho, Lena J. Clappitt, Clara Lilly Clappitt, Thomas T. Donaho, Blackstone B. Donaho, Ada Donaho, Annie May Donaho, T. F. Donaho, David Donaho, William Donaho, Arthur Clayton Donaho, Lizzie B. Donaho, William Lee Donaho, Walter Robert Donaho, Joseph T. Young, Henry Young, Frances Ann Young, Paralee L. Searcy, Annie Searcy, Mollie Martin, Stella Martin, Joseph Martin, Della Martin, Allen Martin, Ethel Martin, Elmer Martin, Lula Watson, Sadie Watson, Eddie Watson, Calvin Watson, Bobbie Watson, William L. Donaho, Mamie Donaho, Ollie Donaho, Nera Donaho, Maggie Donaho, Charlie Donaho, Mabel Donaho, Eddie Donaho, Gladys Belle Donaho, Sallie Martin, Jessie Martin, Travis Wesley Martin, Arthur Martin, Sarah Katherine Peters, Syble Peters, Travis D. Peters, Charles Peters, Luther Peters, Mamie Ann Lett, Ole Lett, Homer Lett and Oscar Thomas Lett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*T. B. Needles.*

Registered.

Commissioner in Charge



M.C.R. 4468.

COPY.

Muskogee, Indian Territory, July 30, 1903.

T. F. Donaho,

Corsicana, Texas.

Dear Sir:-

You are hereby notified that on the 14th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac E. Donaho et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles,  
Commissioner in Charge.



Muskogee, Indian Territory, March 21, 1904.

S. W. Boyd,

Corniche, Texas.

Receipt is hereby acknowledged of your letter of the 14th instant, asking if additional evidence can be introduced in support of the Mississippi Cheataw application of Travis F. Denaho, et al.

In reply you are informed that on July 14, 1903, the Secretary of the Interior approved the Commission's decision refusing the above application and we are now without authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

Identification as a Mississippi Slave

Date JAN -7 1902

Name J. F. Donaho

Age 52 Blood 1/4

Post Office, Corsicana Texas

Father: Daniel Donaho Dead

Mother: Annie Donaho Dead

Claims through both parents

wife Tallie Donaho  
no claim for wife ✓

Claims for self & child

Children:

David Donaho 20

Stenographer H. G. Harris

Choctaw MCR 4469

Elijah P. Hail

See MCR 4470

MCR 4469

#4469.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 10, 1902.

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In the matter of the application of Elijah P. Hail  
for identification as a Mississippi Choctaw.

Applicant not represented by an attorney.

Elijah P. Hail, being first duly sworn, on his oath  
testifies as follows:

Examination by the Commission:

- Q What is your name? A Elijah P. Hail.  
Q How old are you? A Forty-two.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q What is your post office address? A Caddo, Choctaw Nation.  
Q How long have you lived there? A About twelve months.  
Q Where did you live before moving to Caddo? A I came from  
Powell, Texas.  
Q How long had you lived in Texas before moving? A Been living  
in Texas since '69.  
Q Where did you move from to Texas? A Alabama.  
Q Were you born there? A Yes sir.  
Q Is your father living? A No sir.  
Q What was your father's name? A William Hail.  
Q How old would your father be if living now? A I couldn't tell  
you.  
Q Do you know what year your father was born in? A No sir.  
Q Do you know what year he died? A In '63---1863.  
Q Do you know how old was he when he died? A No sir.  
Q Have you any idea how old your father was when he died?  
A No sir, no idea; kept no memorandum or anything of the kind.  
Q Middle age or young man? A Middle age I suppose from what I  
have heard.  
Q Do you know in what state your father was born? A In Missis-  
sippi I think.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Pamela Hail.  
Q How old is your mother? A I couldn't tell you that sir.  
Q When and where was your mother born? A Couldn't tell you sir.  
In Alabama that's all that I know. I heard her say she was born  
in Alabama.  
Q Through which one of your parents do you claim your Choctaw  
blood? A My father.  
Q Has your father ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians in Indian Territory?  
by the Choctaw tribal authorities or by the authorities of the

Mijah P. Hail--2.

United States? A Not that I know of.

Q Were your father and mother legally married? A Yes sir.

Q Where did they marry? A In Alabama.

Q When? What year? A I don't remember.

Q Were they married by a minister or an official? A I couldn't tell you that.

Q Have you their marriage license and certificate with you?

A No sir.

It will be necessary for you to furnish the Commission with evidence of the marriage between your father and mother, that is, you can furnish the original marriage license and certificate or a certified copy of the same.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Nora Hail.

Q Is she a white woman? A Yes sir.

Q Makes no claim to Choctaw blood? A No sir.

Q You make no claim for her? A No sir, I haven't.

Q Do you intend to make any claim for her? A I claim she is my lawful legally wife.

Q Has she got any rights by being your lawful legal wife?

A I suppose she has.

Q What makes you think she has? A That's been the ruling or the understanding.

Q What ruling? A That if an Indian married an American that gives them the right.

Q What right? A Well, I suppose they would get the same right that a Choctaw has.

The provision of law vesting this Commission with authority to hear applications of persons claiming rights to the Choctaw lands in Indian Territory, under the treaty between the United States government and the Choctaw tribe of Indians concluded in 1830, is found in section twenty-one of the Act of Congress approved June 28, 1898, and is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Q Since you have heard this law read, do you still desire to make application for your wife? A No sir.

Q Have you any children? A No sir.

Q Then this claim is for yourself alone? A Yes sir.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe?

A No sir.



Mijah P. Hail--3.

- Q Did you, or anyone for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights to the Choctaw lands in Indian Territory, under the treaty between the United States government and the Choctaw tribe of Indians, concluded in Mississippi on the 27th of September, 1830? A Yes sir:

This treaty was entered into between the United States government and the Choctaw tribe of Indians on the 27th of September, 1830, at a place called pancing Rabbit Creek in Mississippi. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to go to this new country but wanted to remain in the old Choctaw Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty, and that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw desired to remain in the old Choctaw Nation and accept lands under its provisions, he should, within six months from the time the treaty was ratified--Congress ratified the treaty on the

Elijah P. Hail--4.

24th day of February, 1831--go before the government Agent there in Mississippi and signify to him his intention of remaining and taking lands under the provisions of this article. After doing that he would then be entitled, as the head of a family, to a reservation of one section of six hundred and forty acres of land; and for each child in his family unmarried and over ten years of age he would be entitled to one half a section, or three hundred and twenty acres, and for each child in his family under ten years of age he would be entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time the treaty was made, September 27th, 1830. This article also required that after a Choctaw had signified his intention of remaining and had received his lands from the government, he should reside upon these lands for five years, after which time the government would give him a title in fee simple, that is, that he could dispose of the lands in such a manner as pleased him. The last clause of that article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that if a Choctaw elected to remain in the old Choctaw Nation and comply with all the provisions of this article by going before the Agent and signifying his intention to remain and take lands under its provisions and live upon these lands for five years, he did not forfeit his right to citizenship in the Choctaw Nation in Indian Territory, but did forfeit his right to claim any portion of the Choctaw annuity. Annuities was money being paid annually to the Choctaw tribe of Indians under treaty provisions of the government.

- Q Do you think you understand that article now? A I think I do.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A William Hail.
- Q What relation is William Hail to you? A Grandfather.
- Q Do you get your Choctaw blood from your father? A Yes sir.
- Q Now what relation is this William Hail your father, to William Hail your grandfather; are they father and son? A Yes sir.
- Q Was William Hail, your grandfather, married and the head of a family at the time this treaty was made-- September 27, 1830?
- A I couldn't say.
- Q Do you know of the existence of any proof that would tend to show that he was married and the head of a family at the time this treaty was made? A Not at present.
- Q What do you mean by saying "not at present"? A I suppose it could be looked up.
- Q Why didn't you look it up before you came here to make this application? A I didn't know what was needed, my friend.
- Q Was William Hail, your grandfather, a recognized member of the Choctaw tribe of Indians at the time this treaty was made--September 27, 1830? A I couldn't say.



Klijah P. Hall--5.

- Q How much Choctaw blood did your grandfather William Hall have?  
A I am informed he was half Indian.  
Q Have you any proof of any kind to show that he was possessed of Choctaw Indian blood? A I have my mother as evidence.  
Q Is your mother present? A No sir.  
Q Has your mother ever been before this Commission? A No sir.  
Q Why didn't you bring your mother with you so she could give her testimony at this time? A She's too old to stand the trip.  
Q How do you propose to get her testimony in your case then?  
A I suppose take an affidavit.

The Commission is averse to receiving ex parte evidence in applications for identification as Mississippi Choctaws, but on proper showing that your mother on account of infirmities is unable to make personal attendance, her deposition may be taken when taken in accordance with rules and regulations of the Commission governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, promulgated by the Commission November 4, 1901. (Copy of said rules and regulations handed to the applicant.)

- Q Did your grandfather William Hall own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.  
Q Do you know of the existence of any proof of any kind that you could bring before this Commission that would show that he did own an improvement at that time? A I do not.  
Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama, between the years 1833 and 1838, at the time of the removal of the main portion of the Choctaws to the new Choctaw Nation, Indian Territory? A I don't know.  
Q Did your grandfather William Hall, within six months from the 24th day of February, 1831, that is the day upon which the Congress of the United States ratified this treaty, go before the government Agent in Mississippi and signify his intention of remaining and becoming a citizen of the states and taking lands under this article? A I don't know.  
Q Did your grandfather William Hall ever claim or receive any lands from the United States government under the provisions of article fourteen of this treaty? A I don't know.

In accordance with the provisions of this fourteenth article, the government directed an Agent in Mississippi to register the names of all of the Choctaws who wanted to remain in the old Choctaw Nation and become citizens of the states and who wanted to take lands under its provisions. The records of the government show that this Agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of staying and taking lands, and on this account lands on which Choctaws owned improvements and which they desired to reserve for them under this article, were sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and

Elijah P. Hail--6.

these complaints finally reached Congress, and Congress, under various acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a number of claims, allowing some and rejecting others. Of the claims allowed, after approval by the Secretary of War and the president, if the lands had not been sold, the Indians were given them. If, however, the lands which the Choctaws claimed had been sold and they established their claims to those lands before these Commissions, they were given scrip in lieu of the lands which they had lost by having been sold, and under this scrip these Choctaws were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish their claims to lands which they claimed under the fourteenth article of this treaty?
- A I don't know sir.
- Q Did your grandfather William Hail receive any scrip from any of these Commissions in lieu of any lands which he claimed under this fourteenth article, and which had been sold by the United States government? A I don't know.
- Q Did your grandfather William Hail own any lands in either of the states of Mississippi, Alabama, Louisiana or Arkansas?
- A I don't know sir.
- Q So far as you know, was your grandfather William Hail ever recognized as a member of the Choctaw tribe of Indians?
- A I don't.
- Q So far as you know, did your grandfather William Hail ever receive Indian benefits from the United States government as a Choctaw Indian--by benefits I mean lands? A I don't know.
- Q Have you any witnesses that you want to introduce to-day in support of your application? A My sister is here.
- Q Does your sister know anything more about your case than you do?
- A I expect she does.
- Q Is she intending to make application herself? A She has already made application.
- Q What is your sister's name? A Narcissa Woodward.
- Q When did your sister appear before the Commission? A It was in July, '91, the best I remember.
- Q What kind of application did she make at that time? A I really couldn't tell you.

Reference is made to case Choctaw R 503, Martha M. Woodward et al.

- Q It is your purpose then to have your sister Mrs. Woodward testify in your case? A Yes sir.
- Q Have you any written evidence that you want to file to-day in support of your case? A No sir.
- Q Do you know of the existence of any written evidence--any deeds to lands, any patents to lands--that would in any way tend to show that your grandfather William Hail complied with the provisions of this fourteenth article? A No sir.
- Q Do you know of any witnesses that you can bring before the Commission to prove that he did comply or attempt to comply with the provisions of this article? A No sir.
- Q Is there any further statement you desire to make in support of

Elijah P. Hail--7.

your case at this time? A No sir.

By the applicant:

I would like to ask some questions in regards---  
in case this comes up, what witnesses I will have to have,  
etc.?

By the Commission:

It would have been proper for you to have brought  
your witnesses with you for this time. Reasonable time will  
be given you if you can secure the personal attendance of any  
witnesses who can testify as to the compliance on the part of  
your grandfather William Hail with the provisions of this  
fourteenth article which I read and explained to you. You are  
aware that you are claiming valuable property rights and that  
you have only got your unsupported statement to support your  
case.

- Q Do you speak or understand the Choctaw language? A No sir.  
Q Do you know of any other descendants of your grandfather William  
Hail other than your sister and yourself? A Yes sir.  
Q What are the names of them? A I have three brothers and three  
sisters living.  
Q Give the names of your brothers please? A L. T. Hail, that's  
my oldest brother.  
Q Is he a man of a family? A Yes sir.  
Q How many children has he? A I don't know sir.  
Q Give the name of your next brother? A Next brother?  
Q Yes sir? A T. C.  
Q Is he a man of a family? A Yes sir.  
Q Do you know how many children he has got? A No sir, I don't.  
Q Give the name of your next brother? A I.G. Hail.  
Q Is he a man of a family? A Yes sir.  
Q Do you know how many children he has got? A No sir.  
Q Are all the children of this brother of yours under twenty-one?  
A I couldn't say.  
Q Now give the names of your children? A Parlee Jane Smith, is  
the oldest.  
Q Has she any children? A Yes sir.  
Q Do you know the names of her children? A Yes sir.  
Q Will you give the names please? A Willie Smith.  
Q Go on? A That all the one she has.  
Q Now the name of the other sister? A Martha Narcissa Woodward.  
Q That is the one that has been before the Commission is it?  
A Yes sir.  
Q Those are all the descendants that you know of of your grandfath-  
er William Hail? A No, I have two sisters yet.  
Q Give the names of the other two sisters? A Martha Rebecca  
Busby.  
Q Has she any children? A Yes sir.  
Q How many? A I couldn't tell you.  
Q Now the name of the other sister? A Nellie Isabella Davis.

Elijah P. Hail--8.

- Q Has she got any children? A Yes sir.  
Q Do you know the names of them? A No sir.  
Q They are all children of your father William Hail and your mother Pamela Hail? A Yes sir.  
Q Have any of your brothers and sisters ever been before the Commission except Mrs. Woodward? A Not that I know of.

This applicant has black hair and dark brown eyes, medium fair complexion, features and appearance of a person of white parentage, does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Applicant excused.

Martha E. Woodward, being first duly sworn as a witness, on her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Martha Narcissa Woodward.  
Q How old are you? A Fifty years old.  
Q What is your post office address? A Cadde, Indian Territory.  
Q Are you married? A Yes sir.  
Q Is your husband a white man? A Yes sir.  
Q Makes no claim to Choctaw Indian blood? A No sir.  
Q Are you the mother of any children? A Yes sir.  
Q Give their names commencing with the oldest? A Margaret Ann Wolf.  
Q How old is she? A Twenty-six years old.  
Q Has she any children? A Two.  
Q Will you give their names? A Andrew Carr is her oldest child; his name is Andrew C. Bennett.  
Q She was married twice was she? A Yes sir.  
Q What is the given name of her first husband? A James.  
Q What was the given name of her second husband? A John Wolf.  
Q Now give the name of her other children and age? A Martha Ellen Bennett.  
Q Has she any children by her second marriage? A No sir.  
Q The name of your next child? A William David Woodward.  
Q How old is he? A Eighteen.  
Q The name of your next child? A Martha Jane Woodward.  
Q How old? A Sixteen.  
Q The next one? A Andrew Washington, twelve years old.  
Q The name of the next child? A Hettie Blanche Woodward.  
Q How old is she? A Eight years old.  
Q Any others? A That's all.  
Q What is the name of your husband? A Jacob Andrew Woodward.  
Q Is the name of these children you have given the children of you and Jacob Andrew Woodward? A Yes sir.  
Q These children are living with you are they? A Yes sir, with the exception of the eldest, and she's married.

Elijah P. Hail--9.

- Q Has this oldest child of yours, Margaret Ann Wolf, ever been before the Commission? A No sir.
- Q Are you the identical Martha Narcissa Woodward who appeared before this Commission at Atoka, Indian Territory, on June 6, 1900, and made application for enrollment as a citizen of the Choctaw Nation for yourself and your four minor children, Wm. David, Martha Jane, Andrew and Blanche Woodward? A Yes sir.
- Q You have given other names than the ones you originally applied for; they have double names have they? A Yes sir.
- Q How do you desire the record made in your case at the time of your application at Atoka, to be consolidated with and considered with the case of your brother Elijah P. Hail who has just made application for identification as a Mississippi Choctaw?
- A Yes sir.
- Q And the cases to be considered as claimants claiming descent from one common ancestor, William Hail your grandfather?
- A Yes sir.
- Q You were present Mrs. Hail and heard me read and explain article fourteen of the treaty of 1830, and its requirements did you?
- A To my brother?
- Q Yes? A Yes sir.
- Q Do you think you understand that article? A I think I do.
- Q Do you know of any proof of any kind, either of witnesses that you can bring to the Commission in person or evidence of a documentary nature such as deeds to land or patents to land, that would tend to show that your ancestor William Hail through whom you claim your right to identification as a Mississippi Choctaw, ever complied with or attempted to comply with any of the provisions of this article? A No sir, I don't.
- Q Do you know whether your grandfather William Hail ever received any lands from the United States government as a Choctaw Indian?
- A My grandfather did not.
- Q Did your grandfather ever own any lands in either the states of Mississippi, Alabama, Louisiana or Arkansas, that he received from the United States government as a Choctaw Indian?
- A No sir.
- Q Have you ever been recognized by the Choctaw tribal authorities in the Choctaw Nation, Indian Territory, as a member of the Choctaw tribe of Indians? A No sir.
- Q Have you ever made application of any kind to the Choctaw tribal authorities to be admitted or enrolled as a citizen of their Nation? A Made no application only on the 6th of June, 1900.
- Q That is the only application of any kind that you have ever made? A That's all.
- Q And that application was to the Commission to the Five Civilized Tribes? A Yes sir.
- Q Is there any further statement you desire to make at this time in support of your claim before this Commission? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black hair and dark brown eyes, medium fair complexion, features and appearance of a person of white parentage, doesn't speak or understand the Choctaw



Elijah P. Hall--10.

language, and has no knowledge of the compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 10th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 14th day of January, 1902.

  
\_\_\_\_\_  
Notary Public.

Muskogee, Indian Territory, January 30, 1902.

Elijah P. Nail,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty eighth instant, inclosing affidavits of Permelia Nail and John E. Taylor for filing in support of your application for identification as a Mississippi Choctaw. The same have been made a part of the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

MO 4469



Muskogee, Indian Territory, March 6, 1908.

Elijah P. Hall,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the third instant, inclosing certified copy of the marriage license and certificate between William Hall and Permella Taylor, which you offer in support of your application for identification as a Mississippi Choctaw. The same has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Miss Choctaw, 4409

Muskogee, Indian Territory, March 18, 1902.

Eliza P. Hall,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the tenth instant, inclosing affidavit of W. B. Taylor which you offer in support of your application for identification as a Mississippi Choctaw. The same has been duly filed with the records in your case.

Yours truly,

Commissioner in Charge.

COPY

M.C.R.4469.

Muskogee, Indian Territory, December 2, 1902.

Elijah P. Hail,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Narcissa Woodward, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Narcissa Woodward, et al., M.C.R.4470;  
Elijah P. Hail, M.C.R.4469.

These applications were made under the provision of the act of Congress of June 28, 1898, [50 Stats., 496], which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Narcissa Woodward, William David Woodward, Martha Jane Woodward, Andrew Woodward, Blanche Woodward and Elijah P. Hail as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred

E. P. H., S.

and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.  
Acting Chairman.

Registered,

M.C.R.4469

COPY.

Muskogee, Indian Territory, July 14, 1903.

Elijah P. Hall,

Caddo, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Barriena Woodard, et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

SIGNED

*T. E. Needles*

Commissioner in Charge



No. 4469

For Identification as a Mississippi Choctaw.

Date

~~Jan 10 1902~~

JAN 10 1902

Name

Elijah P. Nail (Nail)

Age

42

Blood

1/8

Post Office,

Caddo I. T.

Father:

William Nail Dead

Mother:

Samelia Nail ✓

Claims through

father

wife

Nora Nail ✓

No claim for wife.

Claims for self alone

Children:

Choctaw MCR 4470

Martha Narcissa Woodward

See MCR 4469

MCR 4470



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

\*--\*--\*

In the matter of the application of Martha Narcissa Woodward, et al., for identification as Mississippi Choctaws, consolidating the following applications:

Martha Narcissa Woodward, et al., M.C.R. 4470

Elijah P. Nail, M.C.R. 4469

-- --

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Martha Narcissa Woodward, et al.

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| Original application of Martha Narcissa Woodward, et al., to the Dawes Commission for identification as Mississippi Choctaws | 1  |
| Decision of the Commission refusing the application, August 20, 1900   | 3  |
| Copy of letter of the Commission to Martha Narcissa Woodward, explaining its decision  | 4  |
| Return registry receipt of Martha Narcissa Woodward  | 5  |
| Letter of Martha Narcissa Woodward to the Commission   | 6  |
| Joint application of Martha Narcissa Woodward and Elijah P. Nail   | 7  |
| Affidavit of Parlee Smith in support of the application  | 8  |
| Affidavit of John E. Taylor in support of the application  | 9  |
| Affidavit of Fernellia Nail in support of the application  | 10 |

|  |    |
|--|----|
| Original application of Elijah P. Nail to the Dawes Commission for identification as a Mississippi Choctaw | 11 |
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| Examination of Martha Narcissa Woodward before the Commission in support of the application of Elijah P. Hail .....                                    | 18 |
| Certified copy of the marriage record of William Hail and Fernelia Taylor ..   | 21 |
| Affidavit of John W. Taylor in support of the application .....  | 23 |
| Affidavit of Fernelia Hail .....   | 24 |
| Affidavit of W. D. Taylor in support of the application .....  | 25 |
| Decision of the Commission refusing the consolidated application of Martha Narcissa Woodward, et al., for identification as Mississippi Choctaws ..... | 26 |

-----

8503

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha H. Woodward for the enrollment of herself and her four minor children as citizens by blood of the Choctaw Nation.

The applicant, Martha H. Woodward, appeared before the Commission at Atoka, Indian Territory, June 6th, 1900, and from her oral testimony given at that time in behalf of her claim for enrollment of herself and her four minor children, William David, Marthe Jane, Andrew and Elancho Woodward, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Martha H. Woodward and her four minor children, William David, Marthe Jane, Andrew and Elancho Woodward, is therefore hereby refused.

BY THE COMMISSION.

  
Acting Chairman.

Muskogee, Indian Territory, August 28th, 1900

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, INDIAN TERRITORY, JUNE 8, 1900/

CHOCTAW R 505.

In the matter of the application of Martha Narcissa Woodward, et al. for enrollment as citizens of the Choctaw Nation.

Martha Narcissa Woodward, being first duly sworn by Acting Chairman Tams Bixby, testified as follows:

Examined by Acting Chairman.

Q What is your name? A Martha Narcissa Woodward.  
Q What is your age? A Forty nine years old.  
Q What is your post office address? Caddo, Indian Territory.  
Q Do you live at Caddo? A Yes sir.  
Q Are you a Choctaw? A Yes sir.  
Q You are now making application as a Choctaw by blood? A Yes sir.  
Q What is the name of your father? A William Hale.  
Q Is he living? A No sir.  
Q Was he on the Choctaw rolls? A No sir.  
Q Do you know to what county in the Choctaw Nation he claimed to belong? A No sir.  
Q What is the name of your mother? A Her name is Cornelia Hale.  
Q What was her maiden name? A Cornelia Taylor.  
Q Is she living? A Yes sir.  
Q Is her name on the rolls of the Choctaw Nation? A No sir.  
Q Do you know what county she belongs to? A No sir.  
Q To what county do you claim to belong? A Blue.  
Q How long have you lived in the Indian Territory? A Came here the 8th day of July, 1897.  
Q Where did you live prior to that date? A Sherman Texas.  
Q Lived there all your life? A No sir, came from Alabama when I was small.  
Q Have you ever been enrolled by the Choctaw tribal authorities?  
A No sir.  
Q Did you ever apply to the Choctaw tribal authorities for admission as a Choctaw citizen? A No sir.  
Q Did you apply to the Dawes Commission in 1896 for enrollment as a Choctaw? A No sir.  
Q This is the first application you have ever made? A The first.  
Q What proportion of blood do you claim to have? A One sixteenth.  
Q Are you married? A Yes.  
Q Is your husband a citizen of the United States? A He is.  
Q What is his name? A Andrew Woodward.  
Q Have you any children? A Yes sir, five.  
Q Under twentymone? A Four.  
Q Please give their names and ages. A William David, 18 years old; Martha Jane, 15 years old the 8th of march; Andrew ten years old the 16th of December, Blanche 7 years old the 20th of January.  
Q Is there any further statement which you desire to make at this time? A No sir.

Acting Chairman: If there any affidavits or statements or other proper papers which you desire to file with this Commission, they will be accepted. A Not at present.

This testimony and the papers which you may be pleased to leave with us will be forwarded to the Secretary of the Interior for his examination when the rolls are sent to him for his final approval.

The application for the enrollment as citizens of the Choctaw Nation of yourself and children is refused for the reason that your name does not appear upon the rolls of the Choctaw Nation nor in the possession of this




know that the same have been admitted to attendance by the Indian Commissioner, Commissioner of the Bureau of Indian Affairs, Commission by the Five Civilized Tribes, under the law of June 10th, 1906, or by the United States Court.

Anna Bell, being first duly sworn by Acting Chairman Dixon, says that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony in the above cause, and that the foregoing is a true and complete transcript of her stenographic notes in said matter.

Anna Bell

Subscribed and sworn to before me this 11th day of June, 1900.

  
\_\_\_\_\_  
Acting Chairman.

State of Texas

88

County of Dallas

In the matter of the application of Elijah P. Hail ~~et al~~  
et al for identification as Mississippi Choctaw Indians.

On this day personally appeared before me the undersigned authority  
Permalia Hail nee Taylor and after first being duly sworn deposes and  
says that : My name is Permalia Hail. My age is 79 years. My Post  
Office address is Garland Texas .

My maiden name was Permalia Taylor. I was married to William  
Hail in the State of Alabama in the year of 1847  
and by this marriage we had the following named children: Leas  
Theodore Hail, Paimlee Jane Hail, Martha Narcissa  
Hail, Thomas Rogers Hail, Isaac H Hail, John Nelson  
Hail, Margaret Rebecca Hail, Elijah P. Hail and  
Hiburnia Isabella Hail, that Paimlee Jane married Joe Smith  
Martha Narcissa married J. L. Woodward, Margaret Rebecca married  
W. D. Busby and Hiburnia Isabella married Frank Deas.  
My husband William Hail was the son of William Hail Sr and Nancy  
Hail. I knew them both well. William Hail Sr was a Mississippi Choctaw  
Indian and lived in the State of Alabama .

William Hail Sr father of my husband William Hail was about a half  
breed Choctaw Indian .

I am not claiming identification for myself and only make this  
statement from my own personal knowledge.

Witnesses

Permalia <sup>my</sup> Hail  
nee

J. J. Swain  
W. T. Smith

Subscribed and sworn to before me on this the 18th day of July 1902.

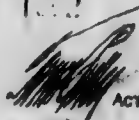
My Commission expires June 1st 1902

J. J. Swain  
Notary Public Dallas County  
Texas.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAR 6 1882



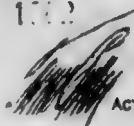
ACTING CHAIRMAN.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAR 6 1882

A handwritten signature in dark ink, appearing to be "J. H. Smith", written over the typed name "J. H. Smith".

ACTING CHAIRMAN.

William Haile ) The State of Alabama ,

541 No. :-

Permelia Taylor ) Jefferson County

To any of the Judges of the said State, any Justice of the Peace, of said County, or other person legally authorized:

These are to authorize you or either of you to solemnize the rites of Matrimony between W I L I A M H A I L E and P E R M E L I A T A Y L O R of said County, agreeable to the Statutes in such cases made and provided.

Given at the office of the Clerk of the County Court of said County, this 27th day of May, 1847.

J. Bagley, Clerk C. C.

Solemnized by me this 27th May, 1847.

William Taylor, L. E.  
M. E. C. South.

The State of Alabama, )  
Jefferson County. )- Probate Court

I, J. P. Stiles, Judge of Probate in and for said County, in said State, hereby certify that the above and foregoing is a true, correct and complete transcript of the Marriage License issued to W I L I A M H A I L E and P E R M E L I A T A Y L O R together with the return made thereon, as same appears of record in Marriage Book for year 1847, at Page 326, in my office.

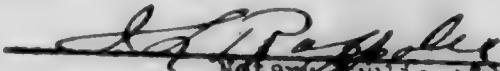
Given under my hand and seal of office, at office in the City of Birmingham, Ala, this the 12th day of February, A. D. 1902.

J. P. Stiles  
Judge of Probate

( Seal )

I, J. L. Rappelee a Notary Public in and for the Central District of the Indian Territory, do hereby certify that the foregoing is a true and correct copy, of the original copy made by the Probate Judge of Jefferson County State of Alabama on the 12th day of Feb 1902, of the Marriage License and return thereon of William Haile and Permelia Taylor.

Given under my hand and seal of Office this the 18th day of 18th day of February A. D. 1902.

  
Notary Public for  
said.

Spa. L.  
Cov.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Martha Narcissa Woodward, et al., for identification as Mississippi Choctaws, consolidating the following applications:

Martha Narcissa Woodward, et al., H.C.R. 4470

Elijah P. Nail, H.C.R. 4469

-----  
D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Martha Narcissa Woodward for herself and her four minor children, William David, Martha Jane, Andrew and Blanche Woodward; and by Elijah P. Nail for himself, under the following provision of the act of Congress approved June 22, 1838, (50 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

-4-

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Nail, Sr., who is alleged to have been a half blood Choctaw Indian, and Nancy Nail (nee Medlin), who is alleged to have been a Choctaw Indian, degree of blood not stated; and both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Nail, Sr., or Nancy Nail (nee Medlin), or Choctaw land remote, signified (as person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897, (30 Stat., 289), and

August 23, 1842, (D Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Harvosen Woodward, William David Woodward, Martha Jane Woodward, Andrew Woodward, Blanche Woodward and Elijah P. Hail as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Washkgee, Indian Territory,

DEC -2 1902

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIRBY,  
THOMAS B. NEEDLER,  
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

September 6th, 1900.

Mrs. Martha N. Woodall,

Caddo, Indian Territory.

Dear Madam:-

The Commission is in receipt of your letter requesting that the record of your case be forwarded to the Honorable Secretary of the Interior, and also enclosing four affidavits to be filed in support of your application when presented to the Secretary of the Interior, and the same has been duly filed with the records in this case.

Yours Truly,

Acting Chairman.

In answering this letter  
please refer to 7-R-503.



M.C. 4470

Muskogee, Indian Territory, March 6, 1902.

Martha Permelia Woodward,  
Caddo, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of the third instant inclosing certified copy of a certified copy of the marriage license and certificate between William Hail and Permelia Taylor, and affidavit of Permelia Hail, which are offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.



COPY.

M.C.R.4470.

Muskogee, Indian Territory, December 8, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Harrietta Woodward, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Harrietta Woodward, et al., M.C.R.4470;  
Elijah P. Hall, M.C.R.4469.

These applications were made under the provision of the act of Congress of June 28, 1899, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Harrietta Woodward, William David Woodward, Martha Jane Woodward, Andrew Woodward, Blanche Woodward and Elijah P. Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be for-

M. M. & O. 2.

referred for review to the Secretary of the Interior through the  
Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James L. Knox*  
Acting Chairman.

File

COPY.

N.O.R.4470.

Muskogee, Indian Territory, December 2, 1902.

Martha Narcissa Woodward,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Narcissa Woodward, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Narcissa Woodward, et al., N.O.R.4470;  
Elijah P. Hall, N.O.R.4469.

These applications were made under the provision of the act of Congress of June 28, 1898, [30 Stats., 495], which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Narcissa Woodward, William David Woodward, Martha Jane Woodward, Andrew Woodward, Blanche Woodward and Elijah P. Hall as Choctaw Indians entitled

M. E. W., 2.

to rights in the Cheater lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

*James Birby*

Acting Chairman

Registered.

M. C. R. 4470

Huskégee, Indian Territory, December 16, 1902.

Narcissa Woodward,

Qaddo, Indian Territory.

Receipt is hereby acknowledged of your affidavit and the affidavit of Elijah P. Hall, to be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs, for consideration in connection with the record in your case.

You are advised that the fifteen days from December 2, 1902, granted you within which to file arguments in support of your application, will expire on December 17, 1902.

On December 18, 1902, the affidavits, together with the record in your case, will be forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.



Muskogee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martha Narcissa Woodward, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Martha Narcissa Woodward, et al., M.C.R. 4470  
Elijah P. Hail, M.C.R. 4469

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There have been filed with the Commission the affidavits of Martha Narcissa Woodward and Elijah P. Hail relating to this case, which are also transmitted herewith.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Enc.: M.C.R. 4470.

*Tamie Birby*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Narcissa Woodward, et al., of which decision you were advised by mail on the 2nd day of December 1902.

Respectfully,

(SIGNED)

*I. B. Needles*

Commissioner in Charge.



COPY.

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

Land 75527-1902

June 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties; Martha Narcissa Woodward for herself and her four minor children, William David, Martha Jane, Andrew and Blanche Woodward; by Elijah P. Hail for himself, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from William Hail, Sr. and Nancy Hail (nee Medlin), it being claimed that they were citizens of the Choctaw Nation and residents of the State of Mississippi or Alabama at the date of the treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records

among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that they have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made in reference to the names of William Hail, Sr. and Nancy Hail (nee Madlin) and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissioners appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

January 8, 1903, the Commission forwarded to this office under separate cover the affidavits of Reanna Taylor, contained in a letter to them Dec. 29, 1902, from Elijah P. Hail and Martha H. Woodward, which states that she knew William Hail in Mississippi in 1830 and 1831 and that he complied or attempted to comply with the provisions of said article of said treaty but gives no evidence that would tend to alter the case or establish the identity of the said William Hail Sr.

There being the facts of the case, it is the opinion of this office, after careful consideration in the premises that these applicants are not entitled to identification as Mississippi Choctaws.

or as such entitled to participate in the distribution of land under the provisions of the 14th article of the treaty of 1830, it therefore, respectfully, recommended that the decision of the Commission rejecting the applicants, be approved.

Very respectfully,

G.T.C.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JWH  
YHM

D. C. 17663  
I. T. D. 4908-1903.

June 30, 1903.

IRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 18, 1902, you transmitted the record in the consolidated case involving the application for identification as Mississippi Choctaws of Martha Narcissa Woodward (M.C.R. 4470), for herself and her four minor children, William David, Martha Jane, Andrew and Blanche Woodward, and of Elijah P. Hail, for himself, including your decision of December 2, 1902, denying said application.

The principal applicants in this case are the children of a quarter blood Choctaw named William Hail, who was born in Mississippi. He was the son of an one-half blood Choctaw named William Hail, by his wife, Nancy Hail (nee Medlin). William Hail, Sr., and family removed from Alabama to Mississippi.

There is nothing in the testimony contained in the record which tends to show that the ancestors of these applicants ever complied or attempted to comply, in person or by

-2-

proxy, in any way, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto, except the affidavit of Romans Taylor, from which it appears" that she has known "William Hail ~~some~~ a number of years; that she knew him in "the States of Mississippi, in 1830 and 1831 in the old "Choctaw Country. The said William Hail did comply or attempt "to comply with the provision of the 14th article of the "treaty of 1830 made with the Choctaw Indians."

In connection with said affidavit it is sufficient to note that said affidavit does not state in what way William Hail attempted to comply with said article, or from what source she obtained her information relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts. The Department is therefore of the opinion in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter June 3, 1903, the Acting  
Commissioner of Indian Affairs recommended that your decision  
be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and  
your decision is hereby affirmed.

Respectfully,

(signed) R. A. HITCHCOCK,  
Secretary.

1 inclosure.

COPY.

M.C.R.4470

Muskogee, Indian Territory, July 14, 1903.

Martha Narcissa Woodward,  
Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Narcissa Woodward, et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

SIGNED

*T. B. Needles*  
Commissioner in Charge.



# MEMORANDA.

(Date) June 6 1900

49

Name Martha N. Woodward

Choctaw? Yes County Blue Year..... No.....

Chickasaw?..... County..... Year..... Page.....

Citizen by blood? 1/16 Mother's citizenship.....

Intermarried citizen?.....

Married under what law?.....

License filed this day,.....

Wife's name,.....

Choctaw?..... County..... Year..... No.....

Chickasaw?..... County..... Year..... Page.....

Citizen by blood?..... Mother's citizenship.....

Intermarried citizen?.....

Married under what law?.....

License filed this day.....

## Names of children:

18 Mrs David Woodward County..... Year..... Page..... No.....

15 Martha Jane County..... Year..... Page..... No.....

10 Andrew County..... Year..... Page..... No.....

7 Blanch County..... Year..... Page..... No.....

County..... Year..... Page..... No.....

County..... Year..... Page..... No.....

County..... Year..... Page..... No.....

County..... Year..... Page..... No.....

County..... Year..... Page..... No.....

County..... Year..... Page..... No.....

Refused

REFER TO M. C. R. 4470

POST OFFICE

RESIDENCE - COUNTY

NAME

CARD No.

Marta Narcissa Woodard  
et al

Consolidated Case

William Haile Sr. ?  
wife  
Nancy Medlin ?

William Haile (or Haile) Jr.

wife  
Cornelia  
or  
Permelia  
or  
Pomelia Taylor

L. Theodore Haile ?

Parable Jane Haile

mar  
Joe Smith

mar  
44-70

Martha Narcissa Haile

mar

Jacob Andrew Woodward

49-16

Thomas C. Haile

Isaac S. Haile

John Nelson Haile

Margaret Rebecca Haile

mar

D.B. Busby

mar  
44-69

Elijah P. Haile 42-18

wife

Nora Haile

Nellie Isabelle Haile

mar

Frank Davis

Nellie Smith

Martha Ann Woodward 36

mar

1 James Bennett  
2 John Wolf

Andrew C. Bennett

Martha Ann Bennett

William David Woodward 18

Martha Jane Woodward 15

Andrew Washington Woodward 10

Hettie Blanche Woodward 7

No. 4170

For Identification as a Mississippi Choctaw.

Date June 6 1900

Name Martha Narcissa Woodward

Age 49 Blood 1/16

Post Office, Caddo I. T.

Father: William Hale Oros

Mother: Cornelia Hale ✓

Claims through father  
Husband Andrew Woodward ✓  
No claim for him

Claims for self & 4 Children

Children:

|                   |      |
|-------------------|------|
| Wm David Woodward | 18   |
| Martha Jane       | " 15 |
| Andrew            | " 10 |
| Blanche           | " 7  |

See Choctaw R 503

Choctaw MCR 4471

Alice Douglas

See MCR 3386

MCR 4471

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 10, 1902.

#4471

-----c0o-----

In the matter of the application of Alice Douglas for the identification of herself and her seven minor children, Mary Elizabeth, John Jasper, Jesse Boyd, Forest, Myrtle, Bessie and Paul Douglas, as Mississippi Choctaws.

Applicant represented by B. S. Johnson, Attorney.

Alice Douglas, being first duly sworn, on her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Alice Douglas.  
Q What is your age? A Thirty-five.  
Q How much Choctaw blood do you claim? A I don't know.  
Q What is your post office address? A Mart, McLennan County, Texas.  
Q How long have you lived there? A Well, I don't know.  
Q Were you born there? A No sir, I was born in Dallas County, Texas? A Yes sir.  
Q Did you ever live anywhere else? A No sir.  
Q Born and raised in Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Ben Mullens.  
Q How old would your father be if living now? A Well, I don't know.  
Q Is your mother living? A Yes sir.  
Q How old is she? A Seventy years.  
Q What is her name? A Elizabeth Mullens.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother's side.  
Q Get it from your mother do you? A Yes sir.  
Q How much Choctaw blood does your mother claim? A I don't know; about one-eighth.  
Q Is your father a white man? A Yes sir.  
Q Then that would make you possessed of one-sixteenth Choctaw blood wouldn't it; one half as much as your mother had?  
A I don't know.  
Q If your father was a white man and your mother one-eighth Choctaw, you would have one-half as much blood as your mother?  
A Yes sir.  
Q Then that would make you one-sixteenth? A Yes sir.  
Q Where does your mother live? A Lives at Mart, Texas.  
Q How long has she lived in Texas? A I don't know.  
Q Do you know where she was born? A Yes sir.  
Q Where? A Alabama.  
Q Born in Alabama? A Yes sir.

Alice Douglas--2.

- Q Where did she move to from Alabama? A Texas.
- Q Do you know when she moved from Alabama to Texas? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A William Douglas.
- Q Is he a white man? A Yes sir.
- Q Claims no Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you any children for whom you desire to make application for at this time? A For the children?
- Q Yes? A Yes sir.
- Q How many children have you? A Seven.
- Q Give their names and ages please, commencing with the oldest?
- A Mary Elizabeth Douglas.
- Q Well, how old is she? A Sixteen.
- Q Now, go right on through and give the names of your children?
- A Next one is John Jasper Douglas, fourteen; next one is Jesse Boyd.
- Q Is that a boy or girl? A Boy, twelve; Forest Douglas, ten; Myrtle Douglas, six; Bessie Douglas, three; Paul Douglas.
- Q Paul Douglas, how old is he? A Ten.
- Q Ten years old? A Yes sir.
- Q You have given the age of Forest as ten, and you have also given the name of Paul Douglas as ten years? A Well, Forest is nine.
- Q Forest is nine? A Yes sir.
- Q And Paul is ten and comes before Forest does he? A Yes sir.
- Q Is that all? A Yes sir.
- Q Are these children living with you? A Yes sir.
- Q Are they the children of yourself and your husband William Douglas? A Yes sir.
- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A Yes sir, they have been enrolled here.
- Q I asked if she was enrolled by the Choctaw tribal authorities; this is the Dawes Commission? A Oh! no sir.
- Q Is your name or the name of any of your children to be found on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
- Q Did you, or anyone for you, ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe? A No sir.
- Q Did you, or anyone for you, or for your children, make application to the Dawes Commission in 1896, to be admitted to citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or by the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in the Indian Territory, under the pro-



Alice Douglas--3.

visions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27th, 1830, in Mississippi? A I don't know.

Q Do you claim your rights as a Choctaw Indian under the treaty between the United States government and the Choctaw tribe of Indians made in 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830, between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time this treaty was made some of the Choctaws didn't want to go to this new country but wanted to remain in the old Choctaw Nation, and for the benefit of that class of Indians article was made a part of the treaty, and that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama and take lands under its provisions, he should, within six months from the date of the ratification of the treaty--the treaty was ratified by Congress on the 24th day of February, 1831--go to the government Agent in Mississippi and signify to him his intention of remaining and taking lands, that is, he was to go before this Agent and tell him that he wanted to remain and take lands, and after doing that he was entitled as the head of a family to a reservation of one section of land of six hundred and forty acres, and for each child in his family unmarried and over the age of ten years he was entitled to one half that quantity, or three hundred and twenty acres, and for each child under ten years of age he was entitled to

Alice Douglas--4.

one hundred and sixty acres of land, or a quarter section, the reservation of the children to adjoin the reservation of the parent and these reservations to include any improvement owned by the head of the family at the time this treaty was made. That article also required that in case a Choctaw received his lands from the government he was required to reside upon these lands for a term of five years, after which time the government would give him a title in fee simple enabling him to dispose of the lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation and took his lands from the government under the provisions of this article and resided upon the same for five years, did not forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, but did forfeit his right to claim any portion of the Choctaw annuity. Annuity was money that was being paid annually to the Choctaw tribe of Indian under treaty provisions.

- Q Do you think you understand that article since I have read and explained it to you? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A My grandparents?
- Q Any of your foreparents? A My great-grandparents.
- Q What was his name? A Phillip Gates.
- Q Did Phillip Gates live in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Yes sir.
- Q Was he married and the head of a family at that time? A I don't know.
- Q What relation are you to Phillip gates? A Great-great-grand-  
niece.
- Q You claim your Choctaw blood from your mother, Elixabeth Mullens, now who did she get her Choctaw blood from? A From her mother's side.
- Q What was her mother's name? A Catherine Henley.
- Q Now who did Catherine Henley get her Choctaw blood from?
- A From her grandparents.
- Q Which one of her grandparents? A From her mother and father.
- Q Mother and father both? A Yes sir.
- Q Both Choctaws? A Yes sir.
- Q What was the name of them? A I don't know.
- Q Don't you know Catherine Henley's father and mother's name?
- A Yes sir, Phillip Gates and Catherine Gates.
- Q Now which one of your Choctaw ancestors was married and the head of a family on the 27th of September, 1830? A I don't know.
- Q Are you the daughter of Elixabeth Mullens who made application before this Commission on January 2, 1902, as a Mississippi Choctaw? A Yes sir.
- Q Your mother at that time gave her age as seventy? A Yes sir.

Alice Douglas--5.

- Q Did your mother have any brothers or sisters older than she?  
Did you have any uncles or aunts older than your mother?
- A Yes sir.
- Q How much older? A I don't know.
- Q Your mother is the daughter of Catherine Henley is she?
- A Yes sir.
- Q Your mother's age would indicate that she was born about the year 1831; now how many uncles and aunts did you have that were older than your mother? A I don't know.
- Q But there was some older? A Yes sir.
- Q One or two or three? A I don't know.
- Q If your mother had brothers and sisters older than she, would that not show that Catherine Henley was married and the head of a family the 27th of September, 1830? A Yes sir.
- Q Then you think that Catherine Henley was married and the head of a family at that time? A Yes sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made? September 27th, 1830? A What?
- Q Were they recognized members of the Choctaw tribe of Indians--- recognized as Indians by the Choctaw people? A I don't know.
- Q Did any of your Choctaw ancestors, or did Catherine Henley, own any improvement on what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama at the time of the removal of the Choctaws from the old Nation to the new Choctaw Nation, Indian Territory, between the years of 1833 and 1838 when the Choctaws moved? A I don't know.
- Q Did Catherine Henley, within six months from the date of the ratification of this treaty, that is, within six months from the 24th day of February, 1831, go to the government Agent in Mississippi and tell him she wanted to stay in the old Nation and take lands under this article? A I don't know.
- Q Did Catherine Henley ever claim or receive any lands from the United States government under the provisions of article fourteen of this treaty? A Don't know.

In accordance with the provisions of this treaty the government directed an Agent in Mississippi to register the names of all Choctaws who wanted to remain in the old Nation and take lands under its provisions. The records of the government show that this Agent failed to register the names of a great number of Choctaws who really did appear before him and signified their intention of remaining and taking lands, and on this account, in many instances, lands on which Choctaws owned improvements and which they desired to reserve for them under this article, was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress, and Congress, under various acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a number of claims, some they allowed and some they rejected. Of the claims allowed, after approval by the Secretary of war and the president

Alice Douglas--6.

if the lands had not been sold, the Choctaws were given them. If, however, the lands had been sold and Choctaw claimants established their rights to them under this article they were given scrip by the government, and under this scrip they were entitled to locate on vacant government lands in the states of Mississippi, Alabama, Arkansas and Louisiana.

- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish claims to lands under this article? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government through these Commissions? A I don't know.
- Q Did any of your Choctaw ancestors ever own any lands in either the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q So far as you know, were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A I don't know.
- Q Do you know of the existence of any proof of any kind that you could bring before this Commission to show that any of your ancestors ever complied with or attempted to comply with the provisions of this fourteenth article? A No sir.
- Q Have you any written evidence that you want to file to-day? A No sir.
- Q Have you any witnesses that you want to introduce to testify in your case to-day? A He isn't here.
- Q I asked if you had them here that you want to testify? A No sir.
- Q You have testified that you are the daughter of Elizabeth Mullens who appeared before this Commission in January, 1902, and made application for identification as a Mississippi Choctaw; do you desire that the evidence in her case be considered as part of the evidence in ~~xxx~~ your case? A Yes sir.

Reference is made to M.C. 4436, Elizabeth Mullens et al.

- Q Is there any other statement you desire to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

Here attorney for applicant asks leave to submit additional testimony in the near future.

Reasonable time will be granted in which to file proper evidence in support of this application.

This applicant has dark brown hair, bluish gray eyes, medium fair complexion, features and appearance of a person

Alice Douglas--7.

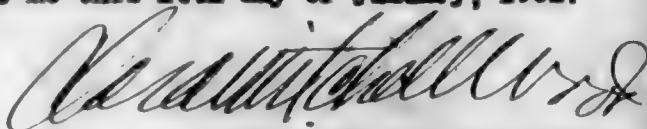
of white parentage, doesn't speak or understand the Choctaw language, and has no knowledge of the compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 10th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 14th day of January, 1902.



Notary Public.



COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4471

ADDRESS ONLY IN THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

Alice Douglas,

Hart, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                    |            |
|------------------------------------|------------|
| William H. Gates,                  | M C R 3386 |
| Sarah (A) Lytal, et al.,           | M C R 3377 |
| Elizabeth J. Maxwell, et al.,      | M C R 3378 |
| Matilda Emly Lytal,                | M C R 3387 |
| Sarah Ann Benson,                  | M C R 3607 |
| Mollie B. Paschal,                 | M C R 3608 |
| Phillip H. Gates,                  | M C R 3441 |
| Mary C. Nabers, et al.,            | M C R 3422 |
| Charles V. Gates, et al.,          | M C R 3423 |
| Thomas L. Gates, et al.,           | M C R 3421 |
| Phillip A. Gates,                  | M C R 3370 |
| John B. Hughes, et al.,            | M C R 3594 |
| William V. Bentley, et al.,        | M C R 3295 |
| John Harvey Bentley,               | M C R 3596 |
| Fred G. Bentley,                   | M C R 3593 |
| Arthur B. Bentley,                 | M C R 3595 |
| Percy (H) Gates,                   | M C R 3690 |
| William McLelland,                 | M C R 3388 |
| Mary C. Pagan, et al.,             | M C R 3389 |
| Sydney E. Armistead, et al.,       | M C R 3409 |
| William A. Pagan,                  | M C R 3391 |
| Rebecca McLain, et al.,            | M C R 3420 |
| Elby Hesterly, et al.,             | M C R 3408 |
| Steele McLelland, et al.,          | M C R 3390 |
| George W. McLelland, et al.,       | M C R 3402 |
| Elizabeth Mullens, et al.,         | M C R 4436 |
| Alice Douglas, et al.,             | M C R 4471 |
| Drommie Sweetman, et al.,          | M C R 4437 |
| Lucinda Americus Stanford, et al., | M C R 3294 |
| Catherine Akins, et al.,           | M C R 3443 |
| Phillip Stanford,                  | M C R 3443 |
| Mattie Lynch, et al.,              | M C R 3609 |

|                                  |            |
|----------------------------------|------------|
| Puss Rogers, et al.,             | M C R 4438 |
| Josie Cox, et al.,               | M C R 5081 |
| Eva Hardy, et al.,               | M C R 5120 |
| John H. Britton,                 | M C R 3605 |
| Arthur E. Britton, et al.,       | M C R 3606 |
| Alice N. Sanders, et al.,        | M C R 4439 |
| Luther Alma Rogers, et al.,      | M C R 1223 |
| William Clifton Britton, et al., | M C R 4331 |
| William G. Britton,              | M C R 3610 |
| William K. Britton, et al.,      | M C R 3616 |
| Sarah Wilson Dye, et al.,        | M C R 3612 |
| Buena Vista Ivey, et al.,        | M C R 3615 |
| Add Benton Britton, et al.,      | M C R 3820 |
| William Robert Britton, et al.,  | M C R 3611 |
| Lula Bell Britton,               | M C R 3613 |
| Arthur Guy Britton,              | M C R 3614 |
| Calvin Luther Britton, et al.,   | M C R 3617 |
| Mary C. Cox, et al.,             | M C R 4287 |
| James A. Cox, et al.,            | M C R 4288 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunice Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William B. Evetta, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Louzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rilly O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,



William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED).

*T. B. Needles.*  
Commissioner in Charge.

N.C.R. 4471

COPY

Muskogee, Indian Territory, December 22, 1902.

Alice Douglas,  
Mart, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

SIGNED:

*James P. Dick*  
Acting Chairman.

MUR-4471

Muskogee, Indian Territory, October 19, 1906.

Alice Douglas,  
Wart, Texas.

Dear Madam:

You are hereby notified that on September 25, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the nonconsolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No. 4171

For Identification as a Mississippi Choctaw.

Date JAN 10 1902

Name Mrs Douglas 1/16

Age 35 Blood ~~not known~~

Post Office, Mart Texas

Father: Ben Mullens dead

Mother: Elizabeth Mullens ✓

Claims through Mother  
Husband  
William Douglas ✓  
no claim for him

Claims for self or children

Children:

|                        |          |
|------------------------|----------|
| Mary Elizabeth Douglas | 16       |
| John Jasper            | " 1st    |
| Jesse Boyd             | " (m) 12 |
| Forest                 | " 9      |
| Myrtle                 | " 6      |
| Bessie                 | " 3      |
| Paul                   | " 10     |

*Ref for  
bunch 436*

Choctaw MCR 4472

Addie Gray

See MCR 4382

MCR 4472

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 10, 1902.

#4472.

-----e0e-----

In the matter of the application of Addie Gray for  
identification as a Mississippi Choctaw.

Applicant represented by Andrew W. Jones as Agent.

Addie Gray, being first duly sworn, on her oath tes-  
tifies as follows:

Examination by the Commission:

- Q What is your name? A Addie Gray.  
Q How old are you? A Eighteen.  
Q How much Choctaw blood do you claim? A I don't know.  
Q What is your post office address? A South McAlester.  
Q I. T.? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Sam Hoskins.  
Q How old is he? A Fifty-two I think.  
Q Is your mother living? A Yes sir.  
Q How old is she? A Forty-nine.  
Q What is her name? A Adaline Hoskins.  
Q Now, which one of your parents do you claim your Choctaw blood  
from? A Both sides.  
Q How much Choctaw blood does your father possess? A I don't  
know; his mother was Choctaw.  
Q What is the other part of blood in your father? A White.  
Q White and Choctaw is he? A Yes sir.  
Q How much Choctaw blood does your mother possess? A My mother  
was a full blood Choctaw.  
Q Your mother was a full blood Choctaw? A Yes sir, her mother  
was full blood.  
Q That is, your grandmother was full blood Choctaw was she?  
A Yes sir.  
Q What kind of blood did your grandfather have? A I don't know.  
Q What kind of blood does your mother show other than Choctaw?  
A I don't know.  
Q You don't know how she looks? A Yes sir.  
Q Is she as dark as you are? A Yes sir.  
Q Has she any negro blood in her? A I don't know.  
Q Does she look like you? A Yes sir.  
Q Have you any negro blood in you? A Yes sir.  
Q Who did you get your negro blood from? A I think my grand-  
father was colored.  
Q You got it from your mother? Yes sir.  
Q Then your mother is part negro and part Choctaw? A Yes sir.  
Q Were your father and mother legally married? A Yes sir.

Addie Gray--2.

- Q When and where were they married? A Mississippi.  
Q Were they married by a minister or official? A Minister.  
Q Have you a copy of their marriage license and certificate with you, or the original? A I don't know anything--  
Q Have you got it with you? A No sir.

It will be necessary for you to file with the Commission evidence of the marriage of your father and mother. You can do that by filing the original marriage license and certificate or a certified copy of the same.

- Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A J. W. Gray.  
Q J. W.? A Yes sir.  
Q What race is he? A He's colored.  
Q He makes no claim to Choctaw blood? A No sir.  
Q You make no claim for him? A No sir.  
Q Have you got any children that you want to make application for?  
A I haven't got any.  
Q No children? A No sir.  
Q Then this claim is for yourself alone? A Yes sir.  
Q Has your father and mother ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A They have been enrolled here.  
Q They have made application to the Dawes Commission have they?  
A Yes sir.  
Q For identification as Mississippi Choctaws? A Yes sir.  
Q Have they ever been recognized in any manner or enrolled as citizens of the Choctaw nation by the Choctaw tribal authorities? A No sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe?  
A No sir.  
Q Did you or anyone for you in the year 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.  
Q Do you appear before the Commission at this time claiming rights to the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded on the 27th of September, 1830? A I don't understand you.  
Q Do you claim your rights as a Mississippi Choctaw under the provisions of the treaty between the United States government



Addie Gray--3.

and the Choctaw Indians made on the 27th of September, 1830?  
A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line, at a place called Dancing Rabbit Creek in Mississippi, on the 27th of September, 1830. The purpose or object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time this treaty was made some of the Choctaws didn't want to go to this new country but preferred to remain in the old Nation, and for the benefit of this class of Indians article was made a part of the treaty and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands in intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provisions, he should, within six months from the time the treaty was ratified by Congress--Congress ratified the treaty on the 24th day of February, 1831--go to the government Agent there in Mississippi and tell him that he wanted to remain and become a citizen of the states and take lands under its provisions. After having done that he was then entitled to a reservation of one section or six hundred and forty acres of land, as the head of a family; and for each child in his family unmarried and over the age of ten years he was entitled to one half that quantity, or three hundred and twenty acres; and for each child in his family under the age of ten years he was entitled to a quarter section of one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent and these reservations to include any improvement owned by the head of the family at the time the treaty was made. This article also required that after a

Addie Gray--4.

Choctaw had received his lands from the government he should reside upon them for five years, after which time the government would give him a title in fee simple which would enable him to dispose of the lands at his pleasure. That last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Choctaw Nation in Mississippi and Alabama and took lands under this article and resided upon the same for five years, he did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit any right to claim any portion of the Choctaw annuity. Annuities were moneys that were being paid to the Choctaw tribe of Indians under treaty provisions.

- Q Do you think you understand that treaty now as read and explained to you? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in Mississippi at the time this treaty was made? A Ellen McChristian.
- Q What relation are you to Ellen McChristian? A She's my grandmother.
- Q Was Ellen McChristian married and the head of a family in 1830? A Yes sir.
- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did she own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838? A No sir.
- Q Did Ellen McChristian, within six months from the 24th day of February, 1831, go before the government Agent in Mississippi and tell him she wanted to remain in the states and take lands under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians under this article? A I don't know.

In accordance with the provisions of this article the government directed an Agent in Mississippi to register the names of all Choctaws who wanted to remain and take lands under this article. The records of the government show that this Agent failed to register the names of a number of Choctaws who came before him and signified their intention of remaining and taking lands, and on this account, in many instances, lands on which Choctaws had improvements and which they desired to reserve for them under this article, was sold by the government at its public land sales. This caused a good many complaints on the part of the Choctaws. These complaints finally reached Congress and Congress sent Commissions into the state of Mississippi and investigated these claims. They investigated a number of claims, some of which they allowed and some they rejected. Of the claims allowed, after

Addie Gray--5.

approval by the Secretary of War and the President, if the lands had not been sold the Indians were given possession of them. If, however, the lands had been sold, scrip was issued to the Choctaws and under this scrip they was entitled to locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did Ellen McChristian, the ancestor through whom you claim, appear before any of these Commissions and attempt to establish her claim to lands under this fourteenth article? A I don't know.
- Q Did this Choctaw ancestor of yours ever receive any scrip from the United States government through these Commissions for lands which she had established her claims to? A I don't know.
- Q Did this ancestor of yours own any lands in either of the states of Alabama, Louisiana, Mississippi or Arkansas? A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians? A I don't know.
- Q Do you know of the existence of any proof of any kind that you can bring before this Commission that would tend to show that your Choctaw ancestors complied with the provisions of this article? A My father had his witnesses here last Tuesday four weeks ago and made application.
- Q Sam Hoskins your father is an applicant before the Commission for identification as a Mississippi Choctaw is he? A Yes sir.
- Q Do you desire the evidence in his case to be considered with the evidence in your case? A Yes sir.
- Q And your case to be consolidated with his? A Yes sir.

Reference is made to M.C.R. 4382, Sam Hoskins et al.

- Q Have you any written evidence you want to file with the Commission to-day? Any papers you want to file? A No sir.
- Q Any witnesses you want to introduce to-day in support of your application? A No sir.
- Q Is there any other statement you desire to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black kinky hair, features and appearance of a person of African descent with a possible slight mixture of white blood; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

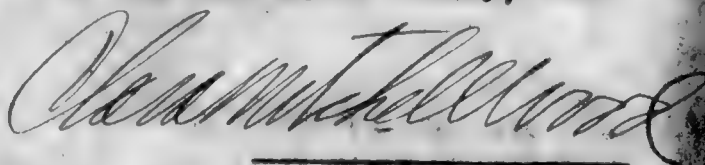
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Addie Gray--6.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 10th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 16th day of January, 1902.



Notary Public.

COPY.

M.C.R. 4472

Muskogee, Indian Territory, October 14, 1902.

Addie Gray,

South McAlester, Indian Territory.

Dear madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

|                      |             |
|----------------------|-------------|
| Sam Hoskins, et al., | M.C.R. 4382 |
| Jessie Kidd,         | M.C.R. 4391 |
| Barney Hoskins,      | M.C.R. 4507 |
| Ed Hoskins,          | M.C.R. 4429 |
| Addie Gray,          | M.C.R. 4472 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adaline Hoskins, Fressie Hoskins, Lucy Hoskins, Lillie Hoskins, Nora Hoskins, Jessie Kidd, Barney Hoskins, Ed Hoskins and Addie Gray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen



A.C. 100-2

of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*D. J. [Signature]*  
Commissioner in Charge.

Registered.

W. O. B.

COMMISSIONERS.

HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 4473

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 9, 1902.

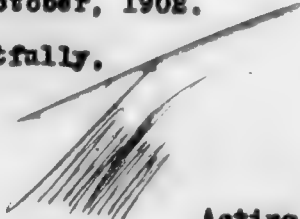
Addie Gray.

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sam Hoskins, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,



Acting Chairman.



MAINTAINING ORDER

JUN 13 1903

BITED

COMMISSION TO JUDGE

RECEIVED



*W.H.*

4475

1/11



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
Penalty for private use, \$300.



*Addie Gray*  
*South M. Alaska*  
*Ind. Ter.*

No. 4172

For Identification as a Mississippi Choctaw.

Date JAN 10 1902

Name Addie Gray

Age 18 Blood Don't know

Post Office South Walcott I.T.

Father: Sam Hoskins ✓

Mother: Adaline ✓

Claims through both parents  
Hoskins

J. W. Gray negro ✓  
no claim for him

Claim for self alone

Children:

Adaline

Choctaw MCR 4473

Tom Steve

(Ock-lo-tubbee)

MCR 4473

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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o--- --o--- ---o  
: : :  
: In the matter of the application of Tom Steve :  
: (Ook-lo-tubbee), et al., for identifica- :  
: tion as Mississippi Choctaws, :  
: M C R 4473. :  
o--- --o--- ---o

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Tom Steve (Ock-lo-tubbee)  
et al., for identification as Mississippi Choctaws, M C R 4473.

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----: I N D E X :----

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|   | Page |
|---|------|
| Original application of Tom Steve, (Ock-lo-tubbee),<br>et al., for identification as Mississippi Choctaws,--- | 1    |
| Decision of the Commission identifying the above<br>applicants,-----  | 7    |

-o-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Edinburg, Mississippi, January 4th, 1902.

In the matter of the application of Tom Steve for the identification of himself, his wife Martha and two minor children Lucy and Smith Steve, as Mississippi Choctaws.

Said Tom Steve, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Tom Steve.  
Q How old are you? A About thirty.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Waldo.  
Q Weshoba County, Mississippi? A Yes.  
Q How long have you lived in Weshoba County? A Born and raised there.  
Q Lived there all your life, have you? A Yes.  
Q Is your father living? A Yes.  
Q What is his name? A Steve Tillis.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived here in Mississippi? A Yes.  
Q Where does he live now? A Scott County.  
Q He was before the Commission in November last, wasn't he? A Yes.  
Q Is your mother living? A Yes.  
Q What is her name? A Jane.  
Q Is she a full blood Choctaw? A Yes.  
Q Live with your father? A Yes.  
Q Has your father a Choctaw name? A Con-ne-e-tubbee.  
Q Has your mother a Choctaw name? A No.  
Q Have you a Choctaw name? A Yes.  
Q What is your Choctaw name? A Oak-lo-tubbee.  
Q Do you know the name of your father's father? A No.  
Q Or your father's mother? A I don't know.  
Q Or your mother's father? A I don't know.  
Q Or your mother's mother? A Mary.  
Q Mary what? A Mary Jim.  
Q Where does she live? A Right close to Hope in Weshoba.  
Q Is she married now? A Yes.  
Q Is her husband living? A Yes.  
Q What is his name? A Jim.  
Q Is she a full blood Choctaw? A Yes.  
Q Have all of your ancestors been full blood Choctaws? A Yes.  
Q Have they always lived in Mississippi? A Yes.  
Q Do you know the name of any of your ancestors than those whose names you have given? A No.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q What is her name? A Martha.  
Q Are you living with Martha at this time? A Yes.  
Q Were you married to her under a license or according to Choctaw custom? A License.  
Q Where did you get your license? A Philadelphia.  
Q When were you married to her? A It will be thirteen years next July.



Tom Steve et al--2

- Q Have you been married more than once? A Just once.  
Q Has Martha been married more than once? A Just once.  
Q How old is Martha? A Thirty-one.  
Q Do you want to give in her name too? A Yes.  
Q Is she a full blood? A Yes.  
Q Has she always lived here in Mississippi? A Yes.  
Q Has she a Choctaw name? A No.  
Q Is her father living? A Dead.  
Q What was his name? A His name was Isaac.  
Q Did he have any other name? A He had a Choctaw name.  
Q What was it? A Im-ok-lah.  
Q Do you know the name of his father or his mother? A I don't know.  
Q Is your wife's mother living? A Dead.  
Q What was her name? A Betsey.  
Q Did she have a Choctaw name? A I don't know.  
Q Were both your wife's father and mother full blood Choctaws?  
A Yes.  
Q Did they always live here in Mississippi? A Yes.  
Q Do you know the name of either one of Betsey's parents? A No.  
Q Have you any children living? A Yes.  
Q How many? A Two.  
Q What are their names and ages? A Lucy will be thirteen next May.  
Q Next one? A Smith, he was six years old last October.  
Q Smith is a boy? A Yes.  
Q Is that all your children? A Yes.  
Q Are these children both living with you at this time? A Yes.  
Q Are they both the children of yourself and Martha? A Yes.  
Q This application, then, is for yourself, wife and two minor children, is that correct? A Yes.  
Q Is your name or your wife's name or the name of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation for yourself and wife or either of these children? A No.  
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself, wife or either of these children? A No.  
Q Have you ever made any application of any kind before today for yourself, wife or either of these children? A Yes, at Philadelphia three years ago.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, his wife Martha and the minor children Lucy and Smith, as Mississippi Choctaws, their names appearing on M.C.C. Field No. 251, also upon page 67 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, being numbers 622, 623, 624, and 625 respectively.

Tom Steve et al---3

Q Is this application made by you at Philadelphia three years ago the only application of any kind you have ever made? A Yes.

Q At the time application was made for you three years ago the name of your father was given as Tom Steve, is that correct? A No, Steve Tillis is right.

Q Did you ever hear him called Tom Steve? A No.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self, wife and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article thoroughly? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions? A I don't know.

Q Did any of them ever receive any benefits thereunder? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe here at that time, 71 years ago? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know it.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States? A I don't know about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A No, never heard.

Q Or any money from the Government? A No.

Q So far as you know, were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi, become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens and, on this account, the Government at its public land sales here in Mississippi in many instances sold land

upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provision of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the 30's and heard a few of the Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings; so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases; this Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?  
A I don't know.

The act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A No.  
Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know anyone who would know.  
Q Have you any witnesses here today? A No.

Tom Steve et al---5

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at this place at any time before the 8th of this month or at Meridian, Mississippi, between January 15th and February 15th of this year or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors by the Government of the United States covering land here in Mississippi? A No, never did see or hear of any patents.
- Q Have you any brothers living? A Yes.
- Q How many? A Three.
- Q How many sisters? A One sister.
- Q How many of your brothers are of age? A One brother of age.
- Q What is his name? A Murphy Tillis.
- Q He is a full brother of yours, is he? A Yes.
- Q What are the names of your other brothers? A Alex and Houston.
- Q What is the name of your sister? A Eliza.
- Q Is she married? A Yes.
- Q What is her husband's name? A Sosby McMillan.
- Q Are these all full brothers and sisters? A Yes sir.
- Q Have you any half brothers or sisters living? A No.
- Q Have you any brothers or sisters who are now dead? A Yes.
- Q Did any of them live to be grown? A They all died before they were grown.
- Q Are any of your father's brothers or sisters or any of their children living? A No, just one half sister living.
- Q What is her name? A Sallie, the wife of Jeff Hattenstie.
- Q Has your father any other half brothers or half sisters or any brothers or sisters living? A No, that's all.
- Q None of the children of any of your father's brothers or sisters or half brothers or half sisters are living? A No.
- Q Has your mother any brothers or sisters living? A She aint got no full brothers but she got four half brothers and two half sisters.
- Q What are the names of those half brothers and half sisters? A Dixon Isaac.
- Q What is the name of the next one? A Wilson Jim.
- Q Has he ever been before the Commission? A Yes, at Doatur, three years ago.
- Q Did he ever go by the name of Wilson Jim Isaacs? A Yes.
- Q What is his wife's name? A Martha.
- Q What is the next one? A Stephen Kim.
- Q What is his wife's name? A Lillie.
- Q How long has he been married? A Ever since I was little boy.
- Q Is he living with his wife now? A Yes.
- Q What is the name of the next one? A Adam Jim.
- Q Is he married? A Yes.
- Q What is his wife's name? A Seaby.
- Q What are the names of the half sisters of your mother? A Sophie.
- Q Is she married? A Yes.
- Q What is her husband's name? A They separated, his name is Johnson Willis.



Tom Steve et al---6

- Q How long has she been separated from her husband? A A year this last Christmas.
- Q What is the name of the other one of her half sisters? A Nancy.
- Q Is she married? A Widow.
- Q What was her husband's name? A Wade Tubbee.
- Q Is that all of your mother's half brothers or half sisters who are living? A Yes.
- Q Are any of the children of any of her brothers or sisters living? A No.
- Q Are any of your wife's father's brothers or sisters or any of their children living? A No.
- Q Are any of your wife's mother's brothers or sisters or any of their children living? A No.
- Q Has your wife any brothers or sisters living? A Yes, one brother.
- Q What is his name? A ~~Ishman~~ Ishman Mogala.
- Q Has she any brothers or sisters dead who left children? A Yes.
- Q Was it a brother or sister who died and left children? A A sister.
- Q What was her name? A Jane Mingo.
- Q What was her husband's name? A Mingo.
- Q How long has she been dead? A About eight years.
- Q How many of her children are living? A Five living.
- Q Do you know their names? A Sallie.
- Q Next one? A Gibson.
- Q Next one? A Cameron.
- Q Next one? A Horace.
- Q Next one? A Ponioin.
- Q Next one? A Louisa.
- Q Do they live with their father? A Yes.
- Q Where do they live? A In Neshoba, near Philadelphia.
- Q What is their postoffice address? A North Bend.

This applicant has the appearance of being a full blood Indian-speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 4th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 8th day of January, 1902, at Edinburg, Mississippi.

*L. A. Moody*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

6  
BY

*Brach*  
Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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DJW  
In the matter of the application of Tom Steve (Ock-lo-tub-  
bee), et al., for identification as Mississippi Choctaws, M C R 4473.

-----: D E C I S I O N :-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 4, 1902, by Tom Steve (Indian name, Ock-lo-tubbee), for  
himself, his wife, Martha Steve, and his two minor children, Lucy  
and Smith Steve, under the following provision of the act of Congress  
approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands  
under article fourteen of the treaty between the United States  
and the Choctaw Nation, concluded September twenty-seventh,  
eighteen hundred and thirty, and to that end may administer  
oaths, examine witnesses and perform all other acts necessary  
thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
- Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all

full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tom Steve (Ock-lo-tubbee), Martha Steve, Lucy Steve and Smith Steve should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

  
COMMISSIONER

APR 11 1903



COPY.

M. C. R. 4473

Muskogee, Indian Territory, April 11, 1903.

Mansfield, McKurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1903, identifying Tom Steve (Oak-le-tubbee) his wife, Martha Steve, and minor children, Lucy Steve and Smith Steve as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Tom Steve (Oak-le-tubbee), his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

CHAIRED

*Tamr Dixby.*

Registered.  
Enc. 4473

Chairman.

Copy:

M.C.R. 4473

Muskogee, Indian Territory, April 27, 1903.

Tom Steve (Ook-lo-tubbee),  
Waldo, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying yourself, your wife, Martha Steve, and minor children, Lucy Steve and Smith Steve, as Mississippi Choctaw Indians under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Enc. 4473

#1603

No. 4473

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date JAN 4 1902

Name Tom Steve

Age 30 Blood ~~ook-to-tubber~~ free

Post Office, Waldo, Miss.

Father: Steve Tillis  
(Lon-ne-o-tubber)

Mother: Jane "

Claims through both parents.

Wife

~~Martha~~ Martha Steve (free) 31

Father - Steve - Im-ok-lah- 2

Mother Betsey - 2

(Claims for self, wife and 2 children)

Children:

Lucy Steve 12

Smith " 6

(See Miss. Choctaw card filed No 251)

Mother of Betsey - Mary Jim

Stenographer

J. S. Niles

Choctaw MCR 4474

Wes Amos

MCR 4474

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Wes Amos, et al., for  
identification as Mississippi Choctaws, M C R 4474.

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-----: I N D E X :-----

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-o-

4474

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nadineburg, Mississippi, January 4, 1902.

In the matter of the application of Wes Amos, for the identification of himself, his wife, Lissa, and minor children, Jasper, Dora, Cleveland, Bennett and Willie, as Mississippi Choctaws.

Wes Amos, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Wes Amos.
- Q How old are you? A I am sixty two.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your post office address? A Freestrade.
- Q Leake County, Mississippi? A Yes.
- Q How long have you lived in Leake County, Mississippi? A All my life.
- Q Is your father living? A No, been dead long time, I don't know how many years.
- Q What was his name? A Amos.
- Q Have any other name? A No, that's all the name I think, used to be old name.
- Q What was his Choctaw name? A Wash-ko-nah.
- Q Was Amos a full blood Choctaw? A Yes.
- Q Did he always live here in the State of Mississippi? A Yes.
- Q How long has he been dead? A Been dead I expect about thirty five years, may be six.
- Q Well, about how old a man was he when he died? A Getting gray.
- Q Was he as old as you are now? A Yes.
- Q About the same age? A Yes.
- Q Do you know the name of his father? A No.
- Q Or his mother? A No, I don't know.
- Q Neither one of them? A No.
- Q Is your mother living? A No, he is dead too.
- Q What was her name? A Becky.
- Q Was Becky a full blood Choctaw? A Yes.
- Q Did she speak or understand the Choctaw language? A Yes, talked all Choctaw.
- Q Where did she live? A He been living here in Leake County.
- Q Did she live in Leake County all her life? A Yes.
- Q How long has Becky been dead? A Been dead about twenty three or four years.
- Q Was she older than your father, or younger? A Well, I don't know which one the oldest.
- Q Were they about the same age? A Yes.
- Q Did Becky have a Choctaw name? A No, Choctaw name, O-kin-to-lah.
- Q Do you know the name of her mother? A No, I don't know.
- Q Or of her father? A No.
- Q You don't know the name then of any of your ancestors further back than your father and your mother? A That's all.
- Q So far as you know, have all of them been full blood Choctaw Indians? A Yes.
- 1



Wes Ames, et al., 2.

Q And all of them have lived here in Mississippi? A Yes.

Q Are you married? A Yes.

Q Is your wife living? A Yes, he's living.

Q Do you want to make application for her too? A Yes.

Q Have you been married more than once? A Been married twice, but my first wife died, and my eldest child is my first wife's child.

Q Is that oldest child of age? A Yes.

Q Has your present wife been married more than once? A Just once.

Q What is your wife's name? A Lissa.

Q You living with her at this time? A Yes.

Q How long have you lived with her? A About twenty years.

Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.

Q Is she a full blood Choctaw? A Yes.

Q Has she always lived here in Mississippi? A Yes.

Q About how old is she? A About fifty eight years old.

Q Has she a Choctaw name? A No, that's all, just Lissa.

Q Have you a Choctaw name? A Yes.

Q What's your Choctaw name? A Well, I aint got none myself.

Q Is your wife's father living? A No, he's dead.

Q What was his name? A Martin Washock.

Q Was Martin a full blood Choctaw? A Yes.

Q Always lived here in the State of Mississippi? A Yes, he been raised down here towards Carthage, and he been living all his life until he died.

Q How long has he been dead? A He been dead about thirteen years.

Q Did he have a Choctaw name? A Yes, Martin, I think that's all.

Q About how old a man was Martin when he died? A About gray.

Q About sixty? A Yes, I think about sixty.

Q Do you know the name of his father or his mother? A No, I don't know.

Q Is your wife's mother living? A Yes, he's living.

Q What is her name? A Sallie Martin.

Q Where does Sallie live? A Not far from Laurel Hill.

Q Was she before the Commission in 1901? A Yes, I think at Commission last summer.

Q Is she a full blood Choctaw? A Yes.

Q Has she a Choctaw name? A Well, I don't know Choctaw's name, but that one name.

Q Do you know the name of Sallie's father? A No.

Q Or her mother? A No.

Q So far as you know, have all of your wife's ancestors been full blood Choctaw Indians? A Yes.

Q And they have all lived here in Mississippi, have they? A Yes.

Q How many children have you living under twenty one years of age, and unmarried? A Five.

Q What are their names and ages? A Jasper, about twenty.

Q The next? A Dora, nineteen.

Q The next? A Cleveland, seventeen.

Q The next one? A Fourteen, Bennett.

Q The next one? A Willie, eight years old.

Q That's a boy? A Yes, four of them boys, and one girl.

Q Are these all the children of yourself and Lissa? A Yes.

Q They are all living with you at this time, are they? A Yes.

Q They are all full blood Choctaws? A Yes.

Q This application, then, is for yourself, your wife, and five



Was Amos, et al., 3.

minor children, is that correct? A Yes.

Q Is your name, or the name of your wife, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, or wife, or any of these children to be admitted or enrolled as members of that tribe? A No.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw nation for yourself, your wife, or any of these minor children? A No.

Q Have you ever made any application of any description before to-day for yourself, your wife or any of these children? A Yes, at Carthage, Mississippi.

The records of the Commission show that on the 25th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife, Alice, and five minor children, Jasper, Dora, Cleveland, Bennett and Willie as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 71; also, upon page 44 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 260, 261, 262, 263, 264, 265 and 266, respectively, thereon.

Q Is this application made by you at Carthage, Mississippi, three years ago, the only application of any kind that has ever been made for you or your family? A Yes, the only application.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article? A No, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get th these Indians to remove from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive

Wes Andes, et al., &c.

land here in Mississippi from the Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Person who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of your wife's ancestors do as that 14th article said that a Choctaw should do if he stayed here in Mississippi, or ever get any benefits under that article? A No, I don't know.

Q Did any of them own an improvement here at that time, - at the time the treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A No, I don't know.

Q Did any of them remove from the old Choctaw nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No, I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government for the Choctaws here in Mississippi, know they wanted to stay here in Mississippi and become citizens of the States and take land? A No, I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No, I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever get any land here in Mississippi from the Government? A I don't know.

Q Or any money? A I don't know.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or your wife's ancestors, covering land here in Mississippi received from the Government? A I don't know.

Wes Amos, et al., 5.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of as many Indians who did in fact let him know that they wanted to stay here in Mississippi and become citizens of the States and take land, and on t is account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respect with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land and should be given a certificate to that

Wes Amos, et al., 6.

effect. These certificates were called scrip.

- Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.
- Q So far as you know, were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.
- Q Did any of them ever receive any benefits as such? A I don't know.
- Q Did any of them ever live in Indian Territory? A I don't know.
- Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A I don't know.
- Q Have you any witnesses here to-day? whose testimony you desire to have taken before the Commission? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear at Bainburg, Mississippi, at any time prior to the tenth of this month, at Meridian, Mississippi, between January 15th and February 15th, this year, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A No, all died.
- Q Any sisters living? A One living.
- Q What's her name? A Mary Jane.
- Q Is she married? A She been married; her husband dead.
- Q What was her husband's name? A Cornelius.
- Q Cornelius what? A That's all the name he had. She goes by the name of Mary Jane Amos now.
- Q She has been before the Commission in 1901, has she not? A Yes.
- Q Have you any brothers or sisters dead who left children? A My oldest brother daughter live now; he married.
- Q What's her name? A He's name Seaby.
- Q What's her husband's name? A The wife of Almon Comby.
- Q Is that all of the children of any of your deceased brothers or sisters living? A He got brother live down here by Thomastown.
- Q What's his name? A Jack Campbell, the father of this child is named Campbell.
- Q That all of these children living? A Yes.
- Q Has your wife any brothers living? A Yes, here's one living now; two of them living.
- Q What are their names? A Jacob and Tom Martin.
- Q Where do they live? A Jacob lives in Leake County and Tom lives in Neshoba.
- Q Has she any brothers dead? A Yes.
- Q Did any of those who are dead leave children who are now living? A I don't know.
- Q Has your wife any sisters living? A yes.
- Q How many has she living? A Two.
- Q What are their names? A Sealy Jaceway, the wife of Davis Jaceway.



Wes Amos, et al., ?.

Q What is the other one's name? A Handy Jacoway, the wife of Charley Jacoway. Those are the names of my wife's sisters.

Q Has your wife any sisters dead? A Yes.

Q Did any of these sisters who are now dead leave children? A Aint but one living down here at Redwater, Annie,

Q Annie what? A The wife of Dannie Billey, the grand son of Chunkey Billey.

Q Are any of your father's brothers or sisters living? A No.

Q Any of their children living? A Well, yes, my pa's sister living.

Q What's her name? A Mallie Billey, the wife of Captain Billey, deceased.

Q Is that all? A That's all I think.

Q Any of the children of any of your father's deceased brother's or sisters living? A No.

Q Are any of your mother's brothers or sisters, or any of their children living? A I don't think any living.

Q Are any of your wife's father's brothers or sisters or any of their children living? A No.

Q Any of your wife's mother's brothers or sisters or any of their children living? A No.

(This applicant has the appearance of being a full blood Choctaw Indian. He speaks and understands the Choctaw language and very little English, the examination having been conducted partially through a sworn Choctaw interpreter and partially in English.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceeding had in the above entitled cause on the 4th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause, upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Edinburg, Mississippi, this 8th day of January, 1902.

*L. B. Moseley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 23, 1902.

Testimony of Jasper Amos;

In the matter of the application of Wess Amos et al. for identification as Mississippi Choctaws, M.C.R. 4474.

Jasper Amos being first duly sworn testified in reference to the application made in his behalf as a Mississippi Choctaw at Edinburgh, Mississippi, by his father, Wess Amos, as follows:

(L.P. Hudson attorney for applicant).

Examination by the Commission:

- Q What is your name? A Jasper Amos; they call me that; its Jasper Wess.  
Q How old are you? A Twenty one.  
Q When were you twenty one? A 26th last October.  
Q Are you the same Jasper Amos, son of Wess Amos, for whom application was made January 4, 1902? A Yes sir.

Examination by L.P. Hudson, attorney for applicant:

- Q Jasper, did you come to the Territory to stay here- to live here?  
A I don't know; I might.  
Q How long did you say you have been here? A Two weeks.  
Q You came alone- the rest of the family didn't come? A No sir.  
Q You aint married? A No sir.  
Q Did you come here expecting to stay in this country? A I might stay.  
Q You came to see if you liked it? A If I like it I stay.  
Q That's what you came out here for? A Yes sir.

( Excused ).

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported all the above, January 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in same on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 23rd day of January, 1902,

*Charles M. Tillman*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

Cow  
In the matter of the application of Wes Amos, et al., for  
identification as Mississippi Choctaws, M C R 4474.

-----: D E C I S I O N :-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 4, 1902, by Wes Amos, for himself, his wife, Lissa Amos,  
and his five minor children, Jasper, Dora, Cleveland, Bennett and  
Willie Amos, under the following provision of the act of Congress  
approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands  
under article fourteen of the treaty between the United States  
and the Choctaw Nation, concluded September twenty-seventh,  
eighteen hundred and thirty, and to that end may administer  
oaths, examine witnesses, and perform all other acts necessary  
thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

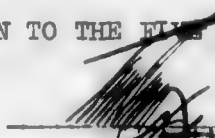
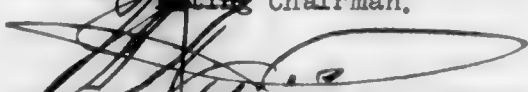
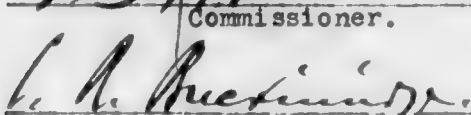
"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of



any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation; all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Wes Amos, Lissa Amos, Jasper Amos, Dora Amos, Cleveland Amos, Bennett Amos and Willie Amos should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
L. A. Austin,  
Commissioner.

Muskogee, Indian Territory

APR 22 1903

Muskogee, Indian Territory, April 22, 1903.

Manafield, McMurray & Cernish,  
Attorneys for the Choctaw and Chickasa Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find copy of the decision of the Commission rendered April 22, 1903, identifying Wes Amos, his wife Lissa Amos, and his minor children, Jasper Amos, Dora Amos, Cleveland Amos, Bennett Amos and Willie Amos as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Wes Amos, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

*Tams Bixby.*

Chairman.

Registered.  
Enclosure. 4474

M.C.R. 4474

COPY.

Washburn, Indian Territory, May 6, 1903.

Wag Amos,

Freestrade, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, identifying yourself, your wife Lissa Amos and minor children Jasper Amos, Dora Amos, Cleveland Amos, Bennett Amos and Willie Amos, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory before October 22, 1903, you will have six months from that date, or until April 22, 1904, within which to make proof of such removal and settlement, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Jame Bixby*  
Chairman.

Registered

Enc. 4474.

Miss. Choctaw 4474

Muskogee, Indian Territory, November 7, 1902.

Jasper Aron,

Free trade, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 3, asking information relative to the making of contracts with certain men in Mississippi for certain portions of the land to be allotted to the Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that you are a full blood Choctaw Indian and an applicant for identification as a Mississippi Choctaw. The Commission has not yet passed upon your right to identification as a full blood Mississippi Choctaw, but it is probable that within the near future a decision will be rendered in your case, of which you will be duly advised.

Relative to the making of contracts for part of the lands to be allotted to the Mississippi Choctaws by certain men, who, you say, are in Mississippi for this purpose, your attention is invited to the following provision of the act of Congress of May 31, 1902:

"Provided further, That all contracts looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Respectfully,

Acting Chairman

Muskogee, Indian Territory, March 4, 1903.

Jasper Amos,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th ultimo, in which you state that you are a full blood Mississippi Choctaw, and moved to the Territory with R.J. Ellington. You ask to be advised as to the contract made by Mississippi Choctaws by which they give one-half of the lands they are to receive in allotment to defray expenses for their removal to the Indian Territory.

In reply to your letter, you are informed that it appears from our records that application was made by your father, West Amos, for your identification as a Mississippi Choctaw.

The Commission has not, up to the present time, reached any opinion or decision relative to the identification of West Amos and his family as such Mississippi Choctaws, but is now considering his application and it is probable a decision will be rendered in the near future, when you will be duly notified of

J A 2

the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to the contracts made by Mississippi Choctaws to defray the expenses of their removal from Mississippi to the Indian Territory, your attention is invited to the following provision of the act of Congress approved May 31, 1900:

"That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Respectfully,

Chairman.

M C R 4474

Muskogee, Indian Territory, November 11, 1903.

Jasper Amos,

Midway, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, wherein you ask to be advised relative to leasing certain land on which you have filed.

In reply you are informed that the leasing of land in the Choctaw-Chickasaw country is a matter which does not come within the jurisdiction of this Commission, and we are therefore unable to give you any information in regard thereto.

Respectfully,

Chairman.



Miss. Choctaw 4474

Muskogee, Indian Territory, May 6, 1902.

Wes Amos,

Free trade, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 26, stating that you have been to the Indian Territory and have returned to Mississippi, and that your post office is now Free trade, Mississippi. This information has been made a matter of record.

As soon as a decision is reached in your case you will be notified of the action of the Commission.

Yours truly,

Commissioner in Charge.

M C R 4474  
M C R 3014  
M C R 2899

Atoka, Indian Territory, March 31, 1903.

J. J. Beckham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask if Wm Ames, his wife Lissie and four children, Bob Barous, Sanders Benton, Sallie Jamison and two children, Arden Jamison, Sidney John and wife Bettie John and three children, from Leake county, Mississippi, and Robert Anderson and two children, and Phoebe Hattensty and two children are on the accepted roll. You state that the two last named families have been residing at Wilburton, Indian Territory, for the past twelve years.

In reply to your letter you are informed that Robert Anderson and his minor children, Emmett and Alfred Anderson, and Phoebe Hattensty and minor children, Jesse, Paul, Mags, Mary, Belle and Lela Hattensty, are listed for enrollment as citizens by blood of the Choctaw Nation; and that on February 4, 1903, and March 19, 1903, the Secretary of the Interior approved such enrollment.

Our records further show that Bob Barous, Arden Jamison and wife Mattie, Sidney John and wife Bettie and minor children Eva and Ella John and minor step-daughter Cara Jackway, were, on February 14, 1903, duly identified by the Commission to the Five

J J B 2

Civilized Tribes as Mississippi Choctaws entitled to allotment of the lands in the Choctaw and Chickasaw Nations. On March 11, 1903, these applicants were duly notified of the action of the Commission.

It does not appear from our records that any persons by the names of Benton Sanders and Sallie Jamison are listed for enrollment either as citizens or freedmen of the Choctaw Nation, or are applicants for identification as Mississippi Choctaws.

Respectfully,

Chairman.

M C R 4474  
M C R 4403

Muskogee, Indian Territory, April 7, 1903.

J. J. Beckham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask if the names of Sanders Benton or Sanders Barous; West Amos and wife Lizzie Amos and children, Jasper, Dora, Bennett, Willie and Glabe; and Ballie Jamison, mother of Ardin Jamison, appear upon the roll of identified Mississippi Choctaws.

In reply you are informed that it does not appear from our records that any person by the name of Sanders Benton or Sanders Barous is an applicant to this Commission for identification as a Mississippi Choctaw.

Our records do show, however, that Wes Amos made application to this Commission for the identification of himself, his wife, Lissa, and their minor children, Jasper, Dora, Cleveland, Bennett and Willie Amos, as Mississippi Choctaws. The Commission has not up to the present time rendered any decision relative to the right of these applicants to be identified as Mississippi Choctaws.

The records of the Commission further show that at the time Arden Jamison made application for identification as a Missis-

J J B B

Mississippi Choctaw he testified that the name of his mother was Sallie Dixon.

On December 17, 1901, Columbus Dixon made application to this Commission for the identification of himself, his wife Sallie, and granddaughter Bettie Martin, as Mississippi Choctaws. The Commission, on February 14, 1903, rendered its decision identifying these applicants as Mississippi Choctaws, of which action they were duly notified on March 11, 1903.

The records do not show, however, that any person by the name of Sallie Jamison is an applicant to this Commission for identification as a Mississippi Choctaw.

Respectfully,

M.O.R. 4474.

Wiskogee, Indian Territory, April 16, 1903.

J.J. Beckham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 10, 1903, notifying the Commission of the change in the postoffice address of Wes Amos to Atoka, Indian Territory.

You are advised that this change has been made a matter of record.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 22, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasa Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find copy of the decision of the Commission rendered April 22, 1903, identifying Wes Amos, his wife Lissa Amos, and his minor children, Jasper Amos, Dora Amos, Cleveland Amos, Bennett Amos and Willie Amos as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Wes Amos, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.  
Enclosure.4474

Chairman.



M.C.R. 4474

COPY.

Kuskages, Indian Territory, May 6, 1903.

Wes Amos,

Pretrade, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, identifying yourself, your wife Lissa Amos and minor children Jasper Amos, Dora Amos, Cleveland Amos, Bennett Amos and Willie Amos, as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory before October 22, 1903, you will have six months from that date, or until April 22, 1904, within which to make proof of such removal and settlement, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

Tams Bixby.  
Chairman.

Registered

Enc. 4474.

*Copy mailed to Atoka 25  
May 13-03*

M.C.R.  
4474, 4408, 4408  
Choctaw 4830

Maabogee, Indian Territory, July 9, 1903.

J.J. Beckham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledge of your communication of June 7, 1903, in which you ask to be advised if Wes Amos and family have been identified; also if Rosa Anderson, wife of Robert Anderson, has been enrolled as an inter-married citizen of the Choctaw Nation and if two minor children born to her in November, 1902, can be enrolled. You also ask how to proceed to get Bettie Martin, granddaughter of Gallie Dixon, allotted and what are the necessary steps to be taken in order to secure an allotment for Arden Jamison who died January 1, 1903, prior to his identification as a Mississippi Choctaw on February 14, 1903.

Replying to your communication you are advised that it appears from our records that Wes Amos, his wife, Lissa, and minor children, Jasper, Dora, Cleveland, Bennett and Willie Amos were on April 22, 1903, duly identified by this Commission as Mississippi Choctaws and on May 6, 1903, the principal applicant, Wes Amos, was duly notified of such decision.

You are further advised that it appears from our records that Rosie Anderson, wife of Robert Anderson, post office Atoka, Indian Territory, is an applicant to this Commission for enrollment

J.J.Beckham---3

as an inter-married citizen of the Choctaw Nation. Up to the present time no decision has been reached as to the rights of Rosie Anderson to enrollment as an inter-married citizen of the Choctaw Nation, but the Commission is now considering her application and when such decision is rendered she will be duly notified thereof.

Relative to right to enrollment of the two minor children of the above mentioned Rosie Anderson born about November, 1902, your attention is directed to the following provision of the act of Congress approved July 1, 1902, and ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

Under the above provision the Commission is now without authority to receive or consider the application of any person for enrollment as a citizen by blood or intermarriage of the Choctaw Nation.

You are further advised that it does not appear from our records that Sallie Dixon has appeared before either of the land offices in the Choctaw and Chickasaw Nations and made proof of settlement and application for allotment of land for herself and Bettie Martin.

With reference to the death of Arden Jamison there is enclosed you herewith blank form for proof of death and you are requested to have same properly filled out and returned to this Commission at the earliest possible time. When the records of the Com-

J.J.E.--3

mission are completed in this respect your request relative to the procedure necessary to secure an allotment for him will receive further consideration.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, December 2, 1904.

John McKinney,  
Albany, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you state that you want to know whether your wife, Dora Amos, is enrolled as a Choctaw or Chickasaw, and if she can participate in the distribution of the Choctaw-Chickasaw townsite fund.

In reply you are informed that Dora Amos is not enrolled as either a Choctaw or Chickasaw, but has been identified as a Mississippi Choctaw Indian, her name appearing upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on June 1, 1903.

Mississippi Choctaws do not share in the Choctaw-Chickasaw townsite payment.

Respectfully,

Chairman.

M.C.R. 4674.

Muskogee, Indian Territory, March 9, 1907.

Patchell & Henderson,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter dated February 18, 1907, requesting to be informed as to certain dates appearing in the matter of the enrollment of one Wes Amos as a Mississippi Choctaw.

In reply thereto, you are advised that the said Wes Amos was identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw on April 23, 1903, and that on December 20, 1906, he appeared before the Chickasaw Land Office and submitted proof of his three years continuous residence within the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Commissioner.

No. 4174

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date JAN 1 1902

Name Mrs Amos

Age 62 Blood full

Post Office, Free Trade, Miss

Father: Amos  
Wah-to-nah

d

Mother: Becky  
OK-in-to-fah

d

Claims through both parents.

Wife: Lissa Amos (free)

58

Father Martin Heshock

d

Mother Sallie Martin

L

(Claims for self, wife and 5  
minor children)

Children:

Jaeger Amos 20

Dora " 19

Cleveland " 17

Bennett " 14

Willie " 8

(See also Choctaw genealogy)

Names of all ancestors  
whose names are known  
are shown above.)

Stenographer

R. S. Street



Choctaw MCR 4475

Jennie Comby

See MCR 5028, 264

MCR 4475

4475

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Edinburg, Mississippi, January 4, 1902.

In the matter of the application of Jennie Comby, for the identification of herself and three minor children, Robert, Gus and Pearlle, as Mississippi Choctaws.

Jennie Comby, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Jennie Comby.
- Q How old are you? A Fifty years old.
- Q Are you a full blood Choctaw? A Yes.
- Q What's your post office address? A Laurel Hill.
- Q Have you always lived in Leake County? A No lived in Neshoba.
- Q How long have you lived in Leake County? A About twenty years.
- Q Were you born in Neshoba County? A Yes.
- Q And lived there until you moved to Leake, twenty years ago? A Yes.
- Q Is your father living? A Yes.
- Q What's his name? A Elam Bell.
- Q Where does he live? A In Neshoba.
- Q Is he a full blood Choctaw? A Yes, I reckon so.
- Q Don't you know whether he is a full blood or not? A I don't know.
- Q Has he always lived in Neshoba County? A Yes.
- Q Has he a Choctaw name? A I don't know.
- Q Have you a Choctaw name? A No.
- Q Do you know the name of Elam Bell's father? A I don't know.
- Q Or his mother? A I don't know.
- Q Is your mother living? A No.
- Q What was her name? A Bessie.
- Q Was she a full blood Choctaw? A Yes.
- Q How long has she been dead? A About twenty five years.
- Q Did she always live in the State of Mississippi? A Yes.
- Q Did she have a Choctaw name? A No.
- Q About how old would she be if she were living now? A I expect about seventy.
- Q About how old is your father? A I don't know, elder than mother about seventy five.
- Q Do you know the name of your mother's father or your mother's mother? A I don't know.
- Q Have all of your ancestors always lived here in Mississippi? A Yes.
- Q Have all of them been full blood Choctaw Indians? A Yes.
- Q Are you married? A Yes.
- Q Is your husband living? A Dead.
- Q Have you been married more than once? A Once.
- Q How long has your husband been dead? A Nearly three years.
- Q What was his name? A Isom Comby.
- Q Was he a full blood Choctaw? A Yes.
- Q Always live in Mississippi? A Yes.
- Q Do you know the name of his father or mother? A No.
- Q Have you any children living who are unmarried and under twenty one years of age? A Yes.
- Q How many? A Three.

Jennie Comby, et al., 2.

- Q What are their names and ages? A Robert, eighteen.  
Q The next one? A Gus.  
Q How old? A Eleven.  
Q The next one? A Pearlle, six.  
Q Pearlle a boy or girl? A Girl.  
Q These children all three living with you at this time? A Yes.  
Q This application, then, is for yourself and three minor children, is that correct? A Yes.  
Q Are these three children all the children of yourself and Isom Comby? A Yes.  
Q Have you any other children living? Who are of age and married? A Yes.  
Q How many? A Three.  
Q What are their names? A Ben Comby, Almon Comby and Sudie.  
Q Who is Sudie married to? A Frank Tebe.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.  
Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these minor children to be admitted or enrolled as members of that tribe, or did any one else ever make such an application for you? A No.  
Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or any of these children under the Act of Congress approved June 10, 1896? A No.  
Q Have you ever made any application of any kind before to-day, or has any one else ever made such an application for you? A Yes, my husband did at Philadelphia, three years ago.

The records of the Commission show that on the 31st day of January, 1899, Isom Comby, the husband of this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Jennie, and minor children, Robert, Gus, Margaret J., and Pearlle, and grand children, Sanders Barous and Bob Barous, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Field Number 264; also, upon page 69 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 898, 899, 900, 901, 902, 903, 904 and 905 thereon.

- Q Is Margaret living? A No.  
Q When did she die? A Year ago last May.  
Q Sanders and Bob Barous are both of age, are they not? A Yes.  
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Jennie Comby, et al., 3.

Q Did any of your ancestors or any of your husband's ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A If they were, I don't know it.

Q Did any of them remove from the old Choctaw nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1835? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know about that.

Q Did any of your ancestors or any of your husband's ancestors, ever get any land here in Mississippi from the Government? A I don't know.

Q Did any of them ever get any money from the Government? A I don't know.

Q Were any of your ancestors or any of your husband's ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article



Jennie Comby, et al., 4.

14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties, and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your husband's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever receive any of this scrip from the Government under this Act of Congress? A I don't know.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors or any of your husband's ancestors, covering land here in Mississippi received from the Government of the United States? A No.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your husband's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.

Q Have you any witnesses here to-day whose testimony you desire to have taken by the Commission in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before

Jennie Conby, et al., v.

the Commission here at Edinburg at any time prior to the 10th of this month, or at Yucatan, Mississippi, between January 15th and February 15th of this year, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A Yes.  
Q How many? A Two.  
Q What are their names? A Nealis Bell.  
Q What's the other one's name? A Jimmy.  
Q What's the name of the wife of Nealis, if he is married? A I don't know.  
Q What's the name of the other one's wife? A Not married.  
Q Have you any sisters living? A Yes.  
Q How many? A One.  
Q What's her name? A Neely.  
Q Is she married? A Yes.  
Q What's her husband's name? A Te-shabbee.  
Q Have any of these people been before the Commission, any of your brothers or sisters? A No.  
Q Where do they live? A Neahoba County.  
Q About North Bend? A Yes.  
Q Have you any brothers or sisters dead who left children? A No.  
Q Are any of your husband's brothers or sisters living? A No.  
Q Are any of their children living? A No.  
Q Are any of your father's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their children living? A No.  
Q Are any of your husband's father's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your husband's mother's brothers or sisters or any of their children living? A I don't know.

(This applicant claims to be a full blood Indian. She speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter. Her habits and customs are those of a Choctaw and she associates entirely with the Choctaws. Her complexion and hair would indicate that she might be a full blood, but her eyes are some what inclined to be light, indicating that she might be possessed of a small degree of white blood.)

R.E. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above cause on the 4th day of January, 1902, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Edinburg, Mississippi this 8th day of January, 1902.

*R. E. Street*  
J. R. Mosley  
U.S. Circuit Court,  
Southern District of Mississippi,

Deputy.

COMMISSIONERS  
HENRY L. DAVIS,  
TAMM BIRBY,  
THOMAS S. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 20, 1903.

William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, an application numbered M.C.R. 4475, being that of Jennie Comby, et al., wherein she makes application for the identification of herself and her three minor children as Mississippi Choctaws. The record in this case was designated as a full blood application when transmitted to this department but the testimony fails to show that the principal applicant is a full blood, and consequently fails to show that the minor children are full bloods.

It is therefore impossible to prepare a decision identifying the applicants as full blood Mississippi Choctaws and the record is returned to the files for such action as may be deemed necessary.

Respectfully,

CW

Beall Case



Muskogee, Indian Territory, April 14, 1903.

Jennie Comby,  
Laurel Hill, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask to be advised the status of your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to the right of yourself and children to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R.4475.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, September 4, 1905.

H. Van V. Smith,

Special Agent of the Government,  
Meridian, Mississippi.

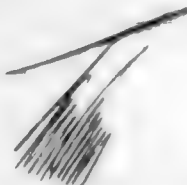
Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Jennie Comby, of Laurelhill, Mississippi, for the identification of herself and three minor children as Mississippi Choctaws.

The principal applicant herein is unable to give any information as to her father or the grand-parents of the minor applicants; and you are directed, if possible, to secure from Jennie Comby or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Chairman.

Enc.: M.O.R.4475.

Meridian, Mississippi, September 26, 1903.

Jennie Comby,

Laurel Hill, Mississippi.

Dear Madam-

It appears from the records of the Commission that on January 4, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision may be rendered in your case by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable time, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, a., persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 30  
M. S. 2 4476

Special Agent.

Meridian, Mississippi, November 23, 1903.

Jennie Comby,

Laurell Hill, Mississippi.

Dear Madam-

Under date of September 25, 1903, the following letter was written to you:

It appears from the records of the Commission that on January 4, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision may be rendered in your case by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws, will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your Claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 30

Special Agent.

COPY

Muskogee, Indian Territory, September 16, 1904.

Jennie Comby,

Laurel Hill Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision, refusing your application for identification as Mississippi Choctaws of yourself, your sons, Robert and Gus, and your daughter Pearlle Comby.

You are further notified that applicants will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~James~~

*Tamr Bixby.*  
Chairman.

Registered.

COPY.

M.C.R. 4478

Muskogee, Indian Territory, March 9, 1906.

James Comby,

Summit Hill, Mississippi.

Dear Madam:

You are hereby notified that on the 13th day of January, 1906, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification of yourself, your sons, Robert and Gus, and your daughter, Pearlle Comby, as Mississippi Choctaws, included in the consolidated case of Elan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,

(SIGNED).

*James Bixby*

Chairman.

7605

No. 4175

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date JAN 4 1902

Name

Jennie Comby

Age

50

Blood

full

Post Office

Laurelhill, Miss.

Father:

Elan Bell

L

Mother:

Bessie

D

Claims through

both parents.

Husband: Tom Comby (full) D.  
 (Claims for self and 3 minor  
 children)

(See Miss. Choct. card filed No. 264.)

Children:

|              |       |
|--------------|-------|
| Robert Comby | 18    |
| Gust         | 11    |
| Charlie      | (F) 6 |

(Names of all ancestors whose  
 names are known  
 are shown above.)

Scribographer

R. S. Street



Choctaw MCR 4476

Ben Comby

See MCR 5028, 4499, 267.

MCR 4476

4476

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Bainburg, Mississippi, January 4, 1902.

In the matter of the application of Ben Comby for the identification of himself, his wife, Dump, and minor child, Seymour, as Mississippi Choctaws.

Ben Comby, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

Q What is your name? A Ben Comby.  
Q How old are you? A About twenty seven.  
Q How much Choctaw blood have you? A Full blood Choctaw, I reckon.  
Q Have you any white blood? A No, I reckon not.  
Q You don't know whether you have white blood or not? A No.  
Q What's your post office address? A Madden.  
Q In what county do you live? A I think, about twenty.  
Q Where did you live before that? A In Neshoba.  
Q Were you born in Neshoba? A Yes.  
Q And lived there until you moved to Leake? A Yes.  
Q Is your father living? A No, sir.  
Q What was his name? A Isaac Comby.  
Q How long has he been dead? A About three years ago.  
Q How old was he when he died? A I reckon about forty five years old.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he all ways live in Mississippi? A Yes.  
Q Did he have a Choctaw name? A No, sir.  
Q Do you know the name of Isaac's father? A No, sir, I don't know.  
Q Or his mother? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was her name? A Jennie.  
Q Is she the Jennie Comby who appeared before the Commission prior to your appearance? A Yes.  
Q Is she a full blood Choctaw? A Yes, sir.  
Q Has she always lived in Mississippi? A Yes, sir.  
Q Has she a Choctaw name? A Just Jennie.  
Q Is her father living? A Yes, sir.  
Q What's his name? A Elam Bell.  
Q Is her mother living? A No, sir.  
Q What was her name? A I don't know; she been dead.  
Q Do you know the name of any other of your mother's ancestors, except her father? A No sir.  
Q So far as you know, have all of your mother's ancestors, lived in Mississippi? A Yes.  
Q Have they all been full blood Choctaws? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q How many times have you been married? A Just once.  
Q How many times has your wife been married? A Once, I reckon.  
Q Do you want to make application for your wife, too? A Yes, sir.  
Q What's her name? A Dump.  
Q Were you married to Dump under a license or according to the Choctaw custom? A License.  
Q Where did you get your license? A Carthage.

Ben Comby, et al., 2.

- Q When were you married to her? A About seven years ago.  
Q Who married you? A Tom Whitte, a Chectaw preacher.  
Q Is Dump a full blood Chectaw? A Yes, sir.  
Q Has she always lived in the State of Mississippi? A Yes, sir.  
Q How old is she? A About twenty three.  
Q Is her father living? A Yes, sir.  
Q What's his name? A Peter Ben.  
Q Is he a full blood Chectaw? A Yes, I reckon so.  
Q Where does he live? A Over in Leake County.  
Q Has he a Chectaw name? A I don't know.  
Q Do you know the name of Peter's father, or his mother? A No, sir.  
Q Is your wife's mother living? A No.  
Q What was her name? A I don't know.  
Q Was she a full blood Chectaw? A Yes.  
Q Did she always live in Mississippi? A Yes, sir.  
Q Do you know the name of her father or her mother? A No, I don't know.  
Q So far as you know, have all of your wife's ancestors been full blood Chectaws? A Yes, sir.  
Q Have they always lived in the State of Mississippi? A Yes.  
Q Have you any children living? A Yes.  
Q How many? A One.  
Q What's his name? A Geymour.  
Q How old is Geymour? A Little over a year old.  
Q Is he the child of yourself and Dump Comby? A Yes.  
Q Living with you at this time? A Yes.  
Q You and Dump are living together at this time? A Yes.  
Q This application, then, is for yourself, your wife, and one minor child, is that correct? A Yes, sir.  
Q Is your name or your wife's name, to be found upon any of the Chectaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Chectaw tribal authorities in Indian Territory for yourself, or your wife, to be admitted or enrolled as members of that tribe? A No.  
Q Did any one else ever make such an application for you? A I don't know.  
Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Chectaw Nation for yourself or wife? A No.  
Q Has any application ever been made for you before to-day - for yourself, or wife? A Yes, at Philadelphia, three years ago.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant and his wife, Dump, as Mississippi Chectaws, their names appearing upon Mississippi Chectaw Card, Field Number, 267; also upon page 69 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the five Civilized Tribes to the Secretary of the Interior as to the identity of Chectaw Indians residing in Mississippi claiming rights in the Chectaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 209 and 210, respectively, therein.



Ben Comby, et al., #3

Q Is this application made for you and your wife at Philadelphia Mississippi on the 31st day of January, 1839, the only application of any kind that has ever been made for either of you? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 2th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi, and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land from the Government.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q You understand it now? A Yes, sir.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions, or ever receive any benefits under that 14th article? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A If they did, I don't know it.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government for the Choctaws here in Mississippi know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty, or under

Ben Comby, et al., 4.

the supplement to that treaty? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government? A I don't know.

Q Did any of them ever get any money from the Government? A If they did, I don't know it.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and become citizens and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors ever appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Ben Comby, et al., 5.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here to-day whose testimony you desire to have taken before the Commission? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in ~~Edinburg~~ Mississippi this winter, or between January 15th and February 15th of this year at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three.

Q What are their names? A Almon, Robert and Gus.

Q Almon is of age, is he not? A Yes, sir.

Q The other two are young boys? A Yes.

Q Have you any sisters living? A Two.

Q What are their names? A Sudie.

Q What's the other one? A Pearlle.

Q Pearlle is just a little girl and lives with your mother? A Yes, sir.

Q Is Sudie married? A Yes, sir.

Q What's her husband's name? A Frank Tobe.

Q Where does he live? A He lives in Neshoba.

Q Have you any sisters or brothers dead who left children at the time of their death? A Yes, got one brother dead who left children.

Q What's the name of that brother? A King Comby.

Q How long has he been dead? A About four years.

Q How many of his children are living now? A One.

Q What's that child's name? A William.

Q With whom does he live? A Bob Fillamenby.

Q Has he any English name? A No.

Q Where does he live? A In Neshoba.

Q Is that the only child of any of your deceased brothers or sisters living? A Yes.

Ben Gemby, et al., v.

- Q Are any of your wife's brothers or sisters living? A Yes.  
Q How many? A Two.  
Q What are their names? A Robinson Ben and James Ben.  
Q Has she any sisters living? A Yes.  
Q How many? A One.  
Q What's her name? A Phelia Ann Nelson, the wife of Harrison Nelson, deceased, and a half sister named Bess Ben, who lives with her father.  
Q Has your wife any other half sisters or half brothers? A I don't know.  
Q Are any of your father's brothers or sisters or any of their children living? A No.  
Q Are any of your mother's brothers or sisters, or any of their children living? A Brother living.  
Q What's his name? A Cornelius Bell.  
Q Is that all? A Jimmy Bell.  
Q Is that all? A Yes.  
Q Any sisters living? A Yes, Neely.  
Q Is she married? A Yes.  
Q What's her husband's name? A Ta-chubbee.  
Q Is that all the name he has? A Yes, I reckon so.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your wife's mother's brothers or sisters, or any of their children living? A I don't know.

(This applicant claims to be a full blood Choctaw. He speaks and understands the Choctaw language and some English, the examination having been conducted partially through a sworn Choctaw interpreter, and partially in ENGI-English. His habits and customs are those of a Choctaw, and he associates entirely with the Choctaws. His eyes would indicate that he might be possessed of a small proportion of white blood.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 4th day of January, 1902; and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Eadsburg, Mississippi, this 9th day of January, 1902.

*L. B. Massey*  
Clerk U. S. Circuit Court,

Southern District of Mississippi,

*W. S. Massey*  
Deputy.



Department of the Interior,  
Commission to the Five Civilized Tribes.  
Meridian, Mississippi, September 23rd., 1903.

In the matter of the application of Ben Comby, et al., for  
identification as Mississippi Choctaws, M. C. R. 4476.

Ben Comby, the applicant, being first duly sworn, upon his oath  
testifies as follows:

Examination by the Commission.

- Q What is your name? A Ben Comby.  
Q How old are you? A I reckon about twenty nine.  
Q What is your post office address? A Aden, Mississippi.  
Q Are you the same Ben Comby who testified before the Commission  
at Edinburg, Mississippi, January 4, 1902? A Yes sir.  
Q You at that time made application for the identification of  
yourself, wife and child as Mississippi Choctaws? A Yes.  
Q Is your wife Dump living? A Yes sir.  
Q Is your child Seymour living? A Yes sir.  
Q Do they live with you at Aden? A Yes sir.  
Q What was your father's name? A Isom Comby.  
Q Is he living? A No, he died.  
Q What was your mother's name? A Jennie Comby.  
Q Is she living? A Yes sir.  
Q Was your father a full-blood Choctaw? A Yes sir.  
Q Is your mother a full-blood Choctaw? A I don't know.  
Q What was your father's father's name? A I don't know, I reckon  
must be Comby.  
Q Was he a full blood Choctaw? A I expect so.  
Q What was your father's mother's name? A I don't know, been  
dead before my dady grown.  
Q Was she a full-blood Choctaw? A I expect so; my grandma her  
name Susie Comby, I reckon.  
Q What was your mother's father's name? A Elan Bell.  
Q Is he living? A Yes sir.  
Q Is he a full-blood Choctaw? A I don't know.  
Q Does he claim to be a full-blood Choctaw? A Look like full-blood  
Choctaw.  
Q Has Elan Bell any Choctaw name? A I don't know; Elan Bell thats  
all I know.  
Q What was your mother's mother's name? A I don't know.  
Q Was she a full-blood Choctaw? A I expect so.  
Q Is she living? A No sir, been dead long time.  
Q Do you know the names of Elan Bell's parents? A No.  
Q Do you know whether or not they were full-blood Choctaws? A I  
can't know.  
Q Do you know anybody that does know anything about that? A I  
reckon Elan Bell he ought to know.  
Q Do you claim to be a full-blood Choctaw? A I think I am full-  
blood Choctaw myself.  
Q Do you claim your wife is a full-blood Choctaw? A Yes sir.  
Q What was your father's father's name? A Peter Ben.  
Q Is he living? A No.  
Q Is he a full-blood Choctaw? A I don't know.  
Q Does he claim to be a full-blood Choctaw? A Yes sir, and he  
is a full-blood Choctaw.

- Q What was your wife's mother's name? A I don't know.
- Q Was your wife's mother's name Winnie? A I don't know, been dead since my wife little baby.
- Q Do you know whether any of your foreparents or any of your wife's foreparents ever received any land here in Mississippi from the government under the provisions of article fourteen of the treaty of 1830? A No sir, I don't know.
- Q You know what is meant by article fourteen of the treaty of 1830? A Yes, treaty made way back.
- Q Did any of your foreparents or any of your wife's foreparents ever own any land in Mississippi? A My daddy bought land.
- Q Did he obtain that land from the government? A No, he bought it.
- Q Did they ever receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.
- Q Do you know of any old person living who could tell more about your family history or your wife's family history than you are able to tell? A No sir,--well Elan Bell could.
- Q Will you try and get him to come to Meridian and testify for you in your case? A Yes.

If you have any witnesses who know about the amount of Choctaw blood possessed by your ancestors and whether or not they obtained land from the Government under article fourteen of the treaty of 1830, you should bring them to Meridian in the near future so that their testimony may be taken.

-----696-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of September, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this                      day of  
1903.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4476.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, September 4, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Ben Comby, of Madden, Mississippi, for the identification of himself, his wife and minor child, as Mississippi Choctaws.

The principal applicant herein failed to give full and positive information relative to his parents and the parents of his wife; and you are directed, if possible, to secure from Ben Comby or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable, relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Enc.: M.C.R. 4476.

Chairman.

Meridian, Mississippi, December 3, 1903.

Ben Comby,

Aden, Mississippi.

Dear Sir-

On September 23, 1903, you appeared before the Commission at Meridian, Mississippi, and testified relative to your rights to identification as a Mississippi Choctaw. At that time you were advised that it would be necessary to obtain the testimony of witnesses in support of your application, and were allowed time within which to produce witnesses before the Commission.

If you desire to introduce evidence in support of your claim, it will be necessary that such witnesses as you desire to introduce appear before the Commission at the earliest practicable date.

Very respectfully,

File 34

Special Agent.

All testimony tends to show  
that applicant is a full  
blood, except that Examiner,  
in his personal remarks,  
says that "Ben Combs's eyes"  
might indicate a small  
fraction of white blood.

He is not explicit enough to  
do credit personal history of  
Ben Combs's app.<sup>n</sup>, ~~made~~  
and the app. made in 1899.  
~~no 1899~~

CAS

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW**

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Seymour Comby*  
as a citizen of

MISSISSIPPI CHOCTAW.

Approved, \_\_\_\_\_ 190\_\_\_\_  
**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW**  
Commissioner.

*See Miss Choctaw & see no 267.*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*  
Acting Chairman.  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JAN 15 1902

*[Signature]*  
ACTING CHAIRMAN.

MISSISSIPPI CHOCTAW. # 267

4476

Miss. Choct. card files No. 267.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of Seymour Comby, born on the 6 day of September, 1900  
(Here insert name of child)  
Name of Father: Ben Comby, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Dump, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office, Madden, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi }  
County of Leflore District.

I, Dump Comby, on oath state that I am 23  
years of age and a citizen by Full Blood, of the Choctaw Indian Nation;  
that I am the lawful wife of Ben Comby, who is a citizen by  
Full Blood, of the Choctaw Indian Nation, that a male child was  
(male or female.)  
born to me on the 6 day of September, 1900; that said child has been  
named Seymour Comby, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Guy L. Emerson  
A. C. Strait

Dump Comby  
her mark



Subscribed and sworn to before me this 4 day of Jan. 1902

L. B. Mosley Clerk  
U.S. Circuit Court, So. Dist. of Mississippi  
By Wm. H. H. H. as Secy.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

State of Mississippi, }  
County of Leake, }  
I, Ben Comby, a \_\_\_\_\_, on oath state that I

attended on Mrs. Samp Comby my wife

on the 6 day of September, 1904; that there was born to her on

said date a Male child; that said child is now living and is said to have been

named Seymour Comby his

WITNESSES TO MARK: Ben x Comby mark

(Must be Two Witnesses.) { Guy L. Emerson  
A. J. Street

Subscribed and sworn to before me this 4 day of Jan. 1902,

L. B. Mosley Clerk  
U.S. Circuit Court, So. Dist. of Mississippi  
By Wm. H. H. H. as Secy.

1606

No. 4176

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date JAN 4 1902

Name

Ben Comby

Age

27

Blood

full

Post Office,

Madden, Miss.

Father:

Stom Comby

d

Mother:

Jennie "

L

Claims through

both parents.

Wife

Lump Comby (full) 23.

Father Peter Ben

Mother - don't know -

L

(Claims for self, wife and 1 child)

Children:

Seymour Comby

1

(See Miss. Choct. card file No. 267.)

Ancestors:

Father of Jennie - Elan Bell

L

Stenographer

R. L. Sturges

Choctaw MCR 4477

Tom Chitto

See MCR 60, 252

MCR 4477

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Herein is the record in the matter of the application of  
Tom Chitto, et al., for identification as Mississippi Choctaws,  
M.C.R. 4477.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tom Chitto, et al., for  
identification as Mississippi Choctaws, M.C.R.4477.

I N D E X .

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|--|------|
| Original application of Tom Chitto, et al.,<br>before the Dawes Commission for identi-<br>fication as Mississippi Choctaws,..... | 1    |
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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Tom Chitto, et al., for  
identification as Mississippi Choctaws, M.C.R. 4477.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

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| Original application of Tom Chitto, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----           | 1      |
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| Decision of the Commission refusing the ap-<br>plication of Louana Burningham for identifi-<br>cation as a Mississippi Choctaw----- | 20.    |

-oOo-

4477

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Edinburg, Mississippi, January 4, 1902.

In the matter of the application of Tom Chitto, for the identification of himself, his wife, Marinda, minor child, Katie, and his ward, Leuana Birmingham, as Mississippi Choctaws.

Tom Chitto, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Tom Chitto.  
Q How old are you? A About forty eight.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Edinburg.  
Q How long have you lived in Leake County, Mississippi? A Lived in Leake County ever since I born.  
Q Have you a Choctaw name? A No.  
Q Is your father living? A No.  
Q What was his name? A His name Tom Chitto, I named after him.  
Q Did he have a Choctaw name? A No.  
Q How long has he been dead? A I don't know; he died I little boy.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q About how old do you think he would be if he were living now?  
A I don't know.  
Q Is your mother living? A No.  
Q What was her name? A Name Way-lay-ho-nah.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q How long has she been dead? A I don't know; he died about time surrender.  
Q About the time the Civil war closed? A Yes.  
Q How old do you think she would be if she were living now? A I don't know.  
Q About how old, Tom? A About seventy.  
Q Do you know the name of your father's father, or his mother?  
A No.  
Q Do you know the name of your mother's father? A No, sir.  
Q Of her mother? A No, sir.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living with her at this time? A Yes.  
Q How much Choctaw blood has she? A Full blood.  
Q What's her name? A Marinda.  
Q About how old is she? A About thirty seven or eight.  
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.  
Q Have you been married more than once? A Yes.  
Q How many times? A Two; this is my second.  
Q Your first one dead? A No, we and him parted.



Tom Chitten, et al., &c.

- Q What was her name? A Minerva.  
Q Is she living now? A Yes.  
Q Where does she live? A Below Carthage.  
Q Is she married again? A Yes.  
Q What's her husband's name? A Allen Willis.  
Q Were you married to Minerva under a license or according to the Choctaw custom? A Choctaw custom.  
Q How long after you separated from her was it that you married your second wife? A Four years.  
Q Has your present wife always lived in the State of Mississippi? A Yes.  
Q Is her father living? A No, sir.  
Q Has Marinda a Choctaw name? A No.  
Q What was her father's name? A Jim Waukin.  
Q Was he a full blood Choctaw? A Yes.  
Q Did you ever see him? A No.  
Q Where did he live during his life time? A Out around here near Edinburg.  
Q Did he have a Choctaw name? A I reckon.  
Q Was he a full blood Choctaw? A Yes.  
Q How old do you think he would be if he were living now? A About ninety.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q What is your wife's mother's name? A I know, but I forgot it - Sloie.  
Q Is she living? A No, sir.  
Q Did you ever hear that Jim's name was Watkin, or Waukin? A Waukin.  
Q Do you know the name of Sloie's father or mother? A No.  
Q So far as you know, have all of your wife's ancestors always been full blood Choctaws? A Yes.  
Q And have they always lived here in Mississippi? A Yes.  
Q Have you any children? A Yes.  
Q How many? A One.  
Q What's that child's name? A Katie.  
Q How old is she? A Born on the third of September, 1900.  
Q Have you any children under age? A Yes.  
Q How many? A One, Pat Chitte, by my first wife.  
Q Have you any wards living with you for whom you want to make application? A Yes.  
Q Is Katie the child of yourself and Marinda Chitte? A Yes.  
Q She is living at this time? A Yes.  
Q What's the name of your ward for whom you want to make application? A Louana Birmingham.  
Q That's all, is it? A Yes.  
Q How old is Louana? A About nineteen.  
Q Is she married? A No.  
Q How long has she been living with you? A About a year.  
Q Is her father living? A No, sir.  
Q Or her mother? A No, sir.  
Q Are you her legal guardian? A Yes.  
Q Been appointed guardian by the Court for her? A Yes.  
Q Have you your letters of guardianship with you? A No.  
Q Do you support and provide for Louana the same as if she were one of your own children? A Yes.  
Q What's the name of her father? A Alenzo Birmingham.  
Q Was he a full blood Choctaw? A Half white.  
Q How long has he been dead? A I don't know.

Tom Chittow, et al., 3.

- Q What's the name of Louana's mother? A Paulina.  
Q Is she a full blood Choctaw? A Yes.  
Q Did she always live here in Mississippi? A Yes.  
Q How long has she been dead? A About six years ago.  
Q How old would Louana's parents be if they were living now?  
A About forty.  
Q Do you know the name of her father's father, or his mother? A  
No.  
Q Do you know the name of either of Paulina's parents? A I know  
her mother's name.  
Q What's her mother's name? A Sallie.  
Q What? A Jacoway.  
Q Is she living? A No.  
Q Did she have a Choctaw name? A I don't know.  
Q Did you ever hear that Louana's mother's name was Margaret? A No,  
sir.  
Q You are sure that her mother's name was Paulina; did you know  
her? A Yes.  
Q Never heard her called Margaret? A No.  
Q This application is for yourself, your wife, one minor child and  
your ward, Louana Birmingham, is that correct? A Yes.  
Q Is your name, your wife's name, or the name of Louana Birmingham,  
to be found upon any of the Choctaw tribal rolls in Indian Territory?  
A I don't know.  
Q Did you, or any one for you, ever make application to the  
Choctaw tribal authorities in Indian Territory, for yourself or your  
wife to be admitted to citizenship in the Choctaw Nation, or did any  
one ever make such an application in behalf of Louana Birmingham?  
A No.  
Q Did any one make application for any of you to this Commission in  
the year 1896 for citizenship in the Choctaw Nation? A No.  
Q Has any application ever been made for any of you before to-day?  
A Did three years ago at Carthage.

The records of the Commission show that on the 25th day of January, 1899, application was made to this Commission at Carthage, Mississippi for the identification of this applicant, his wife, Marinda, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 60; also, upon page 42 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 218 and 219, respectively, thereon.

The records of the Commission further show that application was made to the Commission at Philadelphia, Mississippi on the 31st day of January, 1899, for the identification of Louana Birmingham, as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number 252; also, upon page 67 of the Schedule which accompanied the report of March 10, 1899 of the Commission to the Five

Tom Chitto, et al., 4.

Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Number 864, thereon.

The records of the Commission also show that the name of Louana Burningham appears in the case of Jack Ames, et al., versus the Choctaw Nation. The original application in this case was filed with the Commission on the 10th day of September, 1896. On December 1, 1896, the Commission denied said application and an appeal was taken to the United States Court for the Central Judicial District of Indian Territory, at South McAlester, Indian Territory, which said court on the 28th day of August, 1897, affirmed the decision of the Commission, and a further appeal was taken to the Supreme Court of the United States, where the decision of the lower court was affirmed.

Q Are these applications, the only applications of any kind that have ever been made for yourself, your wife, or any of these children? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself, wife and minor child, and minor ward, Louana Burningham, under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who desired to stay here in Mississippi might receive land here in Mississippi from the Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by

Tom Chitto, et al., 5.

sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Louana Birmingham, ever comply or attempt to comply with its provisions of ever receive any benefit under that article? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was ratified let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government? A I don't know.

Q Or any money from the Government? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or your wife's ancestors, or any of your wife's ancestors, or any of the ancestors of Louana Birmingham, by the Government of the United States covering land here in Mississippi?

A Never saw or heard of such a thing.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government the names



Tom Chitto, et al., 6.

of many Choctaws who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Louana Birmingham, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled, to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, or any of the ancestors of Louana Birmingham, ever receive any of this scrip from the United States Government under this Act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors, any of your wife's ancestors, or any of the ancestors of Louana Birmingham ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit

Tam Chitto, et al., 7.

Creek, or ever received any benefits thereunder? A No, I don't know.

Q Have you any witnesses here to-day whose testimony you desire to have taken before the Commission? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the commission here at Edinburg at any time prior to the 10th of this month, or between January 15th and February 15th of this year at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A No.

Q Or any sisters living? A One.

Q What's her name? A Kliza.

Q Is she married? A Yes.

Q What's her husband's name? A Willis.

Q Willis What? A Willis Sam.

Q Where does he live? A Up near Saint Anne.

Q Have you any brothers or sisters dead who left children? A No.

Q Are any of your wife's brothers or sisters living? A No.

Q Are any of your father's brothers or sisters or any of their children living? A No.

Q Are any of your mother's brothers or sisters, or any of their children living? A No.

Q Any of your wife's father's brothers or sisters, or any of their children living? A No.

Q Any of your wife's mother's brothers or sisters or any of their children living? A No.

Q Are any of the brothers or sisters of Louana Birmingham living? A One brother living.

Q What's his name? A Ed.

Q Is he of age? A No.

Q How old is he? A About nineteen or twenty.

Q Did he appear in his own behalf at Meridian, Mississippi, last summer? A Yes.

Q Does he ever go by the name of Benchan? A I expect so.

Q Are any of Louana's brothers or sisters dead who left children? A No.

Q Are any of Louana's mother's brothers or sisters or any of their children living, or any of her father's brothers or sisters or any of their children living? A I don't know about father's brothers or sisters. Louana's mother's brothers is living.

Q How many of her brothers are living? A Two.

Q What are their names? A Davis Jacoway and Charley Jacoway.

Q Are any of her sisters living? A No.

Q Are any of the children of any of Louana's mother's deceased brothers or sisters living? A No.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language, and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

Tom Chittagot al., &c.

R. B. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 4th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. B. Strait*

Subscribed and sworn to before me at Bainburg, Mississippi, this 9th day of January 1902.

*L. R. Mosely*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *Smuch*

Deputy



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Tom Chitto, et al., for identification as Mississippi Choctaws, M.C.R. 4477.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on January 4, 1902, by Tom Chitto for himself, his wife, Marinda Chitto, his minor child, Katie Chitto, and his minor ward, Louana Burmingham, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants, except Louana Burmingham, are full blood Mississippi Choctaw Indians; that Louana Burmingham is a mixed-blood Choctaw, and whatever rights as a Mississippi Choctaw she may possess by reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tom Chitto, Marinda Chitto and Katie Chitto should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory, -

MAR 10 1904

  
Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Tom Chitto, et al., for identification as Mississippi Choctaws, M. C. R. 4477.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Tom Chitto for himself, his wife, Marinda Chitto, his minor child, Katie Chitto, and his minor ward, Louana Birmingham, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the records of the Commission it appears that Tom Chitto, Marinda Chitto and Katie Chitto, who are full-blood Mississippi Choctaw Indians, were, on March 12, 1904, duly identified as Mississippi Choctaws under the provisions of Section forty-one of

the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence shows that Louana Burningham is a mixed-blood Choctaw and as such does not come within the purview of said section.

It also appears that Louana Burningham claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Ineda, through his son, Ineda Jacoway (Indian name Chuffatubbee) and Tahlubbee, all of whom are alleged to have been Choctaw Indians, degrees of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It is found that the name Chuffatubbe appears on pages 269, 312, 325 and 368, Chuffatubbee on pages 141, 212, 213, 256, 317, 318, 397, 404, 462, 634, 643, 867 and 868, Chuff-fatubbee on page 384 and Palubbee on pages 108 and 145 of Volume I Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742; and the name Chuffatubbee is also found on pages 919 and 920 of Volume II of said record in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty,

but it does not appear from the evidence herein that the ancestors through whom this applicant claims, are identical with any of the persons whose names appear in the records above cited.

It is further found that a person bearing the name of Chuffatubbe received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which tends to show that the Chuffatubbe who received such scrip is the identical Chuffatubbee, through whom this minor applicant claims.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ineda Jacoway (Indian name Chuffatubbee), or Pahlubbee, through whom this applicant claims, or Ineda, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louana Birmingham, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for

-4-

her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tanis Bixby.

Chairman.

(SIGNED) I. B. Needles.

Commissioner.

(SIGNED) C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

SEP 13 1904



COPY. M.O.R. 4477

Muskogee, Indian Territory, March 16, 1904.

Tom Chitto,

Edinburg, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you, your wife, Marinda and child, Katie Chitto, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.  
Enc.: MCR-4477.



COPY!

M.O.R.4477

Muskogee, Indian Territory, March 16, 1904.

Manefield, McMurray & Gornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Tom Chitto, his wife, Marinda, and his child, Katie Chitto, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Tom Chitto, wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

*C. R. Breckinridge.*

Commissioner in Charge.

Registered,  
Enc.; MOR-4477.

M.C.R. 4477

COPY

Muskogee, Indian Territory, September 13, 1904

Louana Burningham,

In care of Tom Chitto,

Edinburg, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision, refusing your application for identification as a Mississippi Cheatew.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tams Bixby.*

Chairman.

Registered.

H.C.B. 4477

COPY.

Muskogee, Indian Territory, September 13, 1904

Mansfield, McRurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 13, 1904, refusing the application for identification as a Mississippi Choctaw of Louana Birmingham.

You are further advised that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

*James Bixby.*

Chairman.

Incl. HCB 4477

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the Mississippi Choctaw case of Tom Chitto, et al., M C R 4477, including the decision of the Commission of September 13, 1904, refusing the application made by said Tom Chitto for his ward, Louana Birmingham, as a Mississippi Choctaw.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by mail of the action of the Commission, copies of said letters being attached to the record.

You are further advised that Tom Chitto, Marinda Chitto, and Katie Chitto, applicants in this case, were identified by this Commission as full blood Mississippi Choctaws on March 12, 1904, their names appearing upon a schedule of duly identified Mississippi Choctaws, opposite numbers 1994, 1995 and 1996 respectively, approved by the Secretary of the Interior on May 2, 1904.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

Muskogee, Indian Territory, October 25, 1904.

C. P. Hoggard,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, relative to the Mississippi Choctaw claim of one Ed Burmenham.

From the information contained in your letter this party has been located upon our records as Ed Bunningham, for whom application for identification as a Mississippi Choctaw was made by Sallie Jacoway, in the State of Mississippi, in 1899. It appears that no further proceedings have been had in the matter of the application for his identification as a Mississippi Choctaw. If Ed Burmenham (or Bunningham) desires to further prosecute his claim, he may appear before the Commission at its office at Muskogee, Indian Territory, and offer such testimony as he desires. Such appearance should be made at the earliest practicable date.

You are further advised that on September 13, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application made by Tom Chitte for his minor ward, Louana Birmingham, who, apparently, is a sister to the party concerning whom you make inquiry, for the reason that the proof submitted in

C. P. H. 2

support of her application for identification as a Mississippi Choctaw did not show that she was a full blood or that she was the descendant of a Choctaw Indian who complied with the provisions of the 14th article of the Choctaw treaty of 1830.

Respectfully,

Chairman.



(COPY)

LAND  
69238-1904

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, December 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated October 1, 1904, transmitting the record of the application for identification as Mississippi Choctaws by Tom Chitto for himself, his wife, Marinda Chitto, his minor child, Katie Chitto and his minor ward, Louana Burningham.

March 12, 1904, the Commission duly identified Tom Chitto, Marinda Chitto and Katie Chitto, as full blood Choctaw Indians.

September 13, 1904, the Commission decided adversely to Louana Burningham.

The record shows that the applicant Louana Burningham Choctaw is a mixed blood and claims rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Inada, through his son, Inada Jacoway (Indian name Charratubbee) and Tahlubbee, all of whom are alleged to have been Choctaw Indians, degree of blood not shown.



It further appears from the record and from the records of this office that the applicant has never been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal nor is she a party litigant before the Choctaw and Chickasaw Citizenship Court.

It is found from the records of this office that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830, but there is nothing in the testimony of the applicant which tends to show that the Chuffatubbee who received such scrip is the identical Chuffatubbee through whom this minor applicant claims. It does not appear from the record or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek and to persons who heretofore were claimants thereunder that the said Ineda Jacoway (Indian name Chuffatubbee) or Pahlubbee, through whom the applicant claims, or Ineda, or an ancestor less remote, signified in person or by proxy to any person an intention to comply with the provisions of said article 14, or presented a claim to rights thereunder or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Louana Birmingham is recommended.

Very respectfully,

A. C. T o n n e r,

Acting Commissioner.

M.M.M.-L.M.

D.C. #48520

C O P Y

W.C.F.

DEPARTMENT OF THE INTERIOR, THE.  
Washington.

I.T.D. 12342-1904

December 10, 1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

October 1, 1904, you transmitted the record in the Mississippi Choctaw case of Tom Chitto, et al. (M.C.R.4477), including your decision of September 13, 1904, refusing the application made by said Tom Chitto for his ward, Louana Birmingham, it appearing that the other applicants in the case have heretofore been identified by you as full blood Mississippi Choctaws.

It appears that Louana Birmingham is a mixed blood Choctaw, who claims descent from Inada Jacobway (Indian name Chuffatubbee), and Tahlubbee, who are alleged to have been Choctaw Indians.

You state in your decision that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article fourteen of the treaty of Dancing Rabbit Creek.

Reporting December 2, 1904, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article fourteen of the treaty of

1830, and he recommends that your decision rejecting the applicants be approved.

The Department is unwilling to adjudicate the case at the present time. The testimony submitted is herewith returned, and it is desired that you take appropriate action in accordance with instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS HYAN

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, December 22, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of December 10, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Tom Chitto for the identification of Louana Birmingham, his ward, as a Mississippi Choctaw, with instructions that an opportunity be granted for the introduction of further testimony in support of said application.

In accordance with such departmental instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of January 26, 1905, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claim of Louana Birmingham, notice being first served upon you.

Copy of departmental letter above referred to is herewith enclosed.

Respectfully,

Registered.

Nov 1

Chairman.

X C B 4477

Muskogee, Indian Territory, December 29, 1904.

Mansfield, Murray & Cornish,  
 Attorneys for the Choctaw and Chickasaw Nations,  
 South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th instant, requesting copies of oral testimony in the matter of the application of Tom Chitte for the identification of his minor ward, Louana Burningham, as a Mississippi Choctaw.

A copy of the testimony of Tom Chitte given at Eadsburg, Mississippi, January 4, 1902, in the matter of the application for the identification of himself, his wife, Marinda, minor child, Katie, and his ward, Louana Burningham, as Mississippi Choctaws is herewith enclosed.

Respectfully,

Chairman.

Wm. S.



Muskogee, Indian Territory, December 22, 1904.

Louana Burningham,

In care of Tom Chitto,

Bayburg, Mississippi.

Dear Madam:

The Secretary of the Interior with his letter of December 10, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Tom Chitto for your identification as a Mississippi Choctaw, with instructions that you be granted an opportunity to introduce further testimony and evidence in support of your claim.

It appears from the record that you are a mixed blood Choctaw, claiming descent from Ineda Jacoway (Indian name Chuffatubbee), and Tahlubbee, who are alleged to have been Choctaw Indians.

The records of the Indian Office show that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

X. B. 2

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,  
and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of January 26, 1905, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of your application. Notice of the taking of testimony or offering of documentary evidence must first be served upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Registered.

Chairman.



Muskogee, Indian Territory, February 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On October 1, 1904, the Commission transmitted to the Department the record in the matter of the application made by Tom Chitto for the identification of himself and family and his minor ward, Louana Burmingahm, as Mississippi Choctaws, together with the decision of the Commission of September 13, 1904, refusing the application as to Louana Burmingham, the other applicants having been identified as full blood Mississippi Choctaws on March 12, 1904.

With departmental letter of December 10, 1904 (I T D 12342-1904), the record in this case was remanded in order that the Commission might take appropriate action in accordance with the instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

On December 22, 1904, the Commission addressed a communication to Louana Burmingahm, in care of Tom Chitto, Edinburg, Mississippi, notifying her that it would, at its office at Muskogee, Indian Territory, up to and inclusive of January 26, 1905, hear the testimony of such witnesses as might present themselves in

person and receive for consideration such documentary evidence as might be offered in support of her application, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicant, and no additional testimony having been offered, the original record in said case, together with copies of notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations, is herewith transmitted.

Respectfully,

Chairman.

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H C R 4477

McAlester, Indian Territory, February 5, 1906.

Hassfield, McHurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant, asking if any additional testimony has been taken by the Commission in the matter of the application for the identification of Lenora Birmingham, minor ward of Tom Chitto, as a Mississippi Choctaw, the record in which case was recently remanded by the Department for further consideration.

In reply you are informed that the record in the above case was returned to the Department on February 2, 1906, no appearance having been entered by or on behalf of the applicant and no additional testimony having been offered within the time allowed.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

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(Copy)

WASHINGTON, October 5, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, of February 2, 1905, referring to the fact that on October 1, 1904, the Commission transmitted to the Department the record in the matter of the application made by Tom Chitto, for the identification of himself and family, and his minor ward, Louana Birmingham, as Mississippi Choctaws, together with the decision of the Commission of September 13, 1904, refusing to grant the application as to Louana Birmingham, the other applicants having been identified as full blood Mississippi Choctaws on March 12, 1904.

Chairman Bixby, who signs the letter, says with Departmental letter of December 10, 1904 (I.T.D.12342-1904), the record in this case was remanded, in order that the Commission might take appropriate action in accordance with instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

On December 22, 1904, the Commission addressed a communication to Louana Birmingham, in care of Tom Chitto, at Edinburg, Mississippi, notifying her that it would, at its office at Muskogee, up to and inclusive of January 24, 1905, hear the testimony of such witnesses as might present themselves in person, and receive for

consideration such documentary evidence as might be offered in support of her application, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearances having been entered by or on behalf of the applicant up to and inclusive of February 2, 1905, and no additional testimony having been offered, the original record in the case, together with copies of notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations, is transmitted.

On December 6, 1904, the Office (Land 69238-1904), recommended that the applicant in this case be rejected. The recommendation of the Office of that date is hereby recalled.

The Commission does not report as to whether the notice addressed to Louana Birmingham at Edinburg, Mississippi, was in fact delivered, or returned by the post office as undelivered. Tom Chitto and his wife and child had been, subsequent to this application, identified as Mississippi Choctaws, and notified of their right to remove to the Choctaw-Chickasaw country. It is to be presumed that Chitto, having been sufficiently interested to make the application, accepted the conditions and removed to the Choctaw-Chickasaw country. It is fair to assume that he took with him Louana Birmingham, who was a member of his family, and a niece. Consequently, the presumption would be that a letter addressed to her at Edinburg, Mississippi, would not reach her at that place. Yet the Commission apparently made no effort to discover where she might be reached within the Choctaw-Chickasaw country. It is altogether possible that Tom Chitto had, between the date of his iden-



tification and February 2, 1905, submitted proof to the Commission to the Five Civilized Tribes of his removal to and settlement within the Choctaw-Chickasaw country. If he did furnish such evidence the papers would necessarily contain his present post office address.

Charlie Jacoway, the uncle who furnished the most important evidence relative to the ancestry of Louana Birmingham, did remove and settle in the Choctaw-Chickasaw country May 12, 1903, and submitted proof of that fact September 25, 1903. His name and the names of his wife and children were included in a schedule of enrolled Mississippi Choctaws approved by the Department January 13, 1905, appearing opposite Nos. 1503 to 1508, inclusive. An inquiry addressed to him at his present place of residence would undoubtedly result in discovering where Louana Birmingham can be reached by mail.

In its letter in the Harriet Adkins case, under which the Commission was instructed to proceed in this case, the Department said:

You will also inform said party that the records of the government show that there was a person named Rachel Pickens, who attempted to comply with the provisions of said article, and that in those cases where names do appear, said records actually contain certain information, as of the year 1830, relative to the persons whose names appear thereon.

The letter of the Commission dated December 22, 1904, addressed to Louana Birmingham, says:

It appears from the record that you are a mixed blood Choctaw, claiming descent from Ineda Jacoway (Indian name Chuffatubbee) and Tahlubbee, who are alleged to have been Choctaw Indians. The records of the Indian office show that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830.

The letter of this office of December 6, 1904, which is now disavowed, did say:

It does not appear from the record or from the records of this office....that the said Ineda Jacoway (Indian name Ohuffatubbee) or Pahlubbee, through whom the applicant claims, or Ineda, .....signified, in person or by proxy, to any person an intention to comply with the provisions of said article 14, or presented a claim to rights thereunder, or subsequent legislation,

but the fact is that the name of Pahlubbee does appear on the records of this office as a reservee under the 14th article of the Choctaw treaty who received a patent for land, and the names of his children who were alive in 1830 also appear, and patents for land were issued in their behalf. Of this fact the Commission had, notwithstanding the statement in the letter of the office, previously been advised in the case of Samuel B. See, and other cases. The applicant in the case is shown by the record to be a descendant of Pahlubbee, through his daughter, "Biney" Pahlubbee. The records of this office show that Pahlubbee had a daughter, under ten years of age in 1830, named Byana. The family were residents on section 29, township 11 north, range 10 east, Neshoba County, Mississippi. Patent was issued in favor of Byana for the NW/4 of Sec. 30, T. 11 N., R. 10 E., Neshoba County.

In connection with the application of Tom Chitto in behalf of himself, his wife and children, and Louana Birmingham, the Commission submits the testimony on Charlie Jacoway, also, for himself and the members of his family, an applicant for identification as a Mississippi Choctaw. Tom Chitto was able to give but slight evidence as to the Indian ancestry of Louana Birmingham, but Charlie Jacoway, 52 years of age, a resident of Madden, Leake County, Missis-



issippi, gives the name of his father as Lenada Jacoway, whose Choctaw name was Chuffatubbe, who would, if living, have been 70 years old at the time of the taking of Charlie Jacoway's testimony in 1901. He testified his father had lived his entire life in Mississippi, neither he nor his wife having gone West, but that the balance of the family had gone. His gave his mother's name as Sallie Jacoway, 89 years of age, who at that time was still living, at the home of Tom Chitto, close to Edinburg. The record as transmitted contains the following:

Question: Do you know the name of your mother's father?

Answer: No.

Question: Do you know the name of your mother's mother?

Answer: Pahlubbee.

Question: Has your mother a Choctaw name?

Answer: Biney Pahlubbee.

Charlie Jacoway is a full blood Choctaw, understanding the Choctaw language, and he well knew that Pahlubbee was a male and not a female name. I therefore take it that the stenographer who took the testimony, either in taking it or transcribing it, transposed the terms father and mother; so it will be assumed that the fact is, and that Charlie Jacoway intended to convey the information that his mother's father was Pahlubbee, instead of his mother's mother. He had but little knowledge of his mother's family, but says one sister went to the Territory that he knows of, this sister being older than his mother.

The records of this Office show that Ryana's sister, Shallahoka, was transported West by the Government in June, 1849. Charlie Jacoway says his mother's family always lived in Keshoba County, although he was, at the time of giving his evidence, a resident of Leake, an adjoining county, having spent his entire life in

Neshoba and Leake counties. He mentions Captain Cobb as a relative of his family, and a prominent Choctaw in the old days. In fact Captain Samuel Cobb was a son of the same mother as Pahlubbee, the grandfather, and was a resident of Neshoba County. Jacoway had a half brother living, named Davis Jacoway, but had no full brothers living. There were only two children of his sisters living, one of these being Louana Birmingham. Their mother was his full sister, which shows that Louana Birmingham is a grand-daughter of Byana Pahlubbee. He gives the name of another sister as Phyllis Pahlubbee, the mother of Tom Chitto's wife, she being the youngest child of Pahlubbee. It is altogether likely she was not born in 1830.

The letter of this office of December 20, 1904, contained the statement "that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830." The fact is there were three persons of the name of Chuffatubbee, in behalf of whom scrip was issued in pursuance of the provisions of the 14th article of the Choctaw treaty of 1830. Chuffatubbee, a son of Pis-ah-ta-cubbee, was over ten years of age in 1830. The family lived on Sec. 8, T. 8 N., R. 13 E., Leake County, Mississippi. Chuffatubbee, a son of Pah-lum-mah, was under ten years of age in 1830, and the family lived on Sec. 29, T. 10 N., R. 12 E., Neshoba County, Mississippi. The third Chuffatubbee was a son of Tom Wilson, over ten years of age in 1830, and the family lived on Sec. 7, T. 12 N., R. 9 E., Leake County, Mississippi. Since Byana Pahlubbee married a Chuffatubbee, and in view of the fact that she was a child of less than ten at the time of the treaty, it

would not be a violent presumption to assume that she may have married one of these persons just mentioned, as all lived in the neighborhood of her home. Scrip was issued in behalf of each of them. There was another Chuffatubbee, a son of I-ath-le-pah, born subsequent to the treaty, but no scrip was issued to him. Scrip was issued to all members of the family who were living in 1830.

In the letter in the Harriet Adkins case the Commission was instructed to inform the applicant that the required testimony might be presented by witnesses appearing in person, or in the form of depositions taken in accordance with the Commission's rules, or of affidavits properly executed. It will be noticed by an examination of the letter of the Commission of December 22, addressed to Louana Birmingham, that the only privilege which she was advised she might have in the submission of additional testimony was the testimony of such witnesses as might present themselves in person, and such documentary evidence as might be offered in support of the application. This was not, as will be seen at once, a compliance with the instructions of the Department.

Copies of the depositions in the cases of the families mentioned in this letter are enclosed.

Since the evidence as to the descent of Louana Birmingham from Pahlubbee and Byana, his daughter, was only furnished by one witness, and in view of the fact that the person who is presumed to have been the Byana of the record was still living when the evidence of Charlie Jacoway was taken, and of the additional fact that with the information now furnished by the Office it ought to be possible to establish beyond a doubt whether Louana Birmingham

is a descendant of Pahlutsee and Lyana and one of the Chuffatubbees. I recommend that the case be remanded again to the Commissioner to the Five Civilized Tribes, with instructions that he take steps to discover the present whereabouts of Louana Burmingham, and accord her another opportunity to submit evidence as to her ancestry, fully advising her as to what the records show in accordance with the instructions in the Harriet Adkins case, and that the opportunity to submit evidence be fixed at such time and place, and under such circumstances, as will enable her to comply with the desires of the Department.

Very respectfully,

O. F. Larrabee,

Acting Commissioner.

BHH-Ma

18524-1905  
I.T.D.13228-1905

(Copy)

W.C.F.  
LIB  
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 19, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 2, 1905, the Commission to the Five Civilized Tribes returned the record in the matter of the application made by Tom Chitto for the identification of himself and family and his minor ward, Louana Birmingham, as Mississippi Choctaws, which case was remanded to the Commission December 10, 1904, for appropriate action in accordance with instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Reporting October 5, 1905, the Indian Office recommended that the case be again remanded with instructions that you take steps to discover the present whereabouts of Louana Birmingham and accord her another opportunity to submit evidence as to her ancestry.

The Department concurs in said recommendation. The case is hereby remanded and it is desired that you take appropriate action thereon in accordance with the suggestions contained in the Indian Office letter of October 5, 1905, a copy of which is inclosed, together with the record in the case.

Respectfully,

E. A. Hitchcock,  
Secretary.

12 inclosures.  
Through the  
Commissioner of Indian Affairs.



Washoe, Indian Territory, November 7, 1905.

Charlie Jacobway,

Roff, Indian Territory.

Dear Sir:

In order that this office may furnish Louana Birmingham, your niece, with proper notice of the recent remanding of her application for identification as a Mississippi Choctaw by the Secretary of the Interior for further consideration, it is desired that you inform this office at the earliest practicable date of the present post office address of said Louana Birmingham, if you are in possession of such information.

Respectfully,

Commissioner.

HC 4477

Muskogee, Indian Territory, November 7, 1906.

Tom Chitto,

Edinburg, Mississippi.

Dear Sir:

The Secretary of the Interior recently remanded to this office for further consideration the record in the matter of the application for the identification of Louana Burningham as a Mississippi Choctaw.

It appears that at the time application was made on behalf of Louana Burningham she was your minor ward, and you are requested to at once inform this office as to whether or not said applicant is living with you. If she is not at the present time making her home with you, please state under what address a letter would reach her.

The above information is requested in order that this office may furnish Louana Burningham with proper notice of the opportunity to furnish additional testimony and evidence in support of the application for her identification as a Mississippi Choctaw.

Respectfully,

Commissioner.



Land.  
89238-1904.  
84896-1904.  
10084-1905.

C O P Y

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

October 5, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, of February 2, 1905, referring to the fact that on October 1, 1904, the Commission transmitted to the Department the record in the matter of the application made by Tom Chitto, for the identification of himself and family, and his minor ward, Louana Burningham, as Mississippi Choctaws, together with the decision of the Commission of September 13, 1904, refusing to grant the application as to Louana Burningham, the other applicants having been identified as full blood Mississippi Choctaws on March 12, 1904.

Chairman Bixby, who signs the letter, says with Departmental letter of December 10, 1904 (I.T.D., 12342-1904), the record in this case was remanded, in order that the Commission might take appropriate action in accordance with instructions contained in Departmental letter of April 2, 1905, relative to the Mississippi Choctaw case of Harriet Adkins.

On December 22, 1904, the Commission addressed a communication to Louana Burningham, in care of Tom Chitto, at Rainburg, Mississippi, notifying her that it would, at its office at Muskeges, up to and inclusive of January 25, 1905, hear the testimony of such witnesses as might present themselves in person, and receive for

consideration such documentary evidence as might be offered in support of her application, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicant up to and inclusive of February 3, 1905, and no additional testimony having been offered, the original record in the case, together with copies of notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations, is transmitted.

On December 6, 1904, the Office (Land 69238-1904), recommended that the applicant in this case be rejected. The recommendation of the Office of that date is hereby recalled.

The Commission does not report as to whether the notice addressed to Louana Birmingham at Edinburg, Mississippi, was in fact delivered, or returned by the post office as undelivered. Tom Chitto and his wife and child had been, subsequent to this application, identified as Mississippi Choctaws, and notified of their right to remove to the Choctaw-Chickasaw country. It is to be presumed that Chitto, having been sufficiently interested to make the application, accepted the conditions and removed to the Choctaw-Chickasaw country. It is fair to assume that he took with him Louana Birmingham, who was a member of his family, and a niece. Consequently, the presumption would be that a letter addressed to her at Edinburg, Mississippi, would not reach her at that place. Yet the Commission apparently made no effort to discover where she might be reached within the Choctaw-Chickasaw country. It is altogether possible that Tom Chitto had, between the date of his last

tification and February 2, 1905, submitted proof to the Commission to the Five Civilized Tribes of his removal to and settlement within the Choctaw-Chickasaw country. If he did furnish such evidence the papers would necessarily contain his present post office address.

Charlie Jacoway, the uncle who furnished the most important evidence relative to the ancestry of Louana Birmingham, did remove and settle in the Choctaw-Chickasaw country May 12, 1903, and submitted proof of that fact September 25, 1903. His name and the names of his wife and children were included in a schedule of enrolled Mississippi Choctaws approved by the Department January 13, 1905, appearing opposite Nos. 1503 to 1508, inclusive. An inquiry addressed to him at his present place of residence would undoubtedly result in discovering where Louana Birmingham can be reached by mail.

In its letter in the Harriet Atkins case, under which the Commission was instructed to proceed in this case, the Department said:

You will also inform said party that the records of the government show that there was a person named Rachel Pickens, who attempted to comply with the provisions of said article, and that in those cases where names do appear, said records actually contain certain information, as of the year 1830, relative to the persons whose names appear thereon.

The letter of the Commission dated December 22, 1904, addressed to Louana Birmingham, says:

It appears from the record that you are a mixed blood Choctaw, claiming descent from Ineda Jacoway (Indian name, Chuffatubbee) and Tahlubbee, who are alleged to have been Choctaw Indians. The records of the Indian Office show that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830.

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The letter of this Office of December 6, 1904, which is now disavowed, did say:

It does not appear from the record or from the records of this Office . . . that the said Ineda Jacoway (Indian name Chuffatubbee) or Pahlubbee, through whom the applicant claims, or Ineda, . . . , signified, in person or by proxy, to any person an intention to comply with the provisions of said article 14, or presented a claim to rights thereunder, or subsequent legislation,

but the fact is that the name of Pahlubbee does appear on the records of this Office as a reservee under the 14th article of the Choctaw treaty who received a patent for land, and the names of his children who were alive in 1830 also appear, and patents for land were issued in their behalf. Of this fact the Commission had, notwithstanding the statement in the letter of the Office, previously been advised in the case of Samuel B. Gee, and other cases. The applicant in the case is shown by the record to be a descendant of Pahlubbee, through his daughter, "Biney" Pahlubbee. The records of this office show that Pahlubbee had a daughter, under ten years of age in 1830, named Byana. The family were residents on section 29, township 11 north, range 10 east, Neshoba County, Mississippi. Patent was issued in favor of Byana for the NW/4 of Sec. 30, T. 11 N., R. 10 E., Neshoba County.

In connection with the application of Tom Chitto in behalf of himself, his wife and children, and Louana Birmingham, the Commission submits the testimony on Charlie Jacoway, also, for himself and the members of his family, an applicant for identification as a Mississippi Choctaw. Tom Chitto was able to give but slight evidence as to the Indian ancestry of Louana Birmingham, but Charlie Jacoway, 52 years of age, a resident of Madden, Leake County, Missis-

issippi, gives the name of his father as Ieneda Jacoway, whose Choctaw name was Chuffatubbe, who would, if living, have been 70 years old at the time of the taking of Charlie Jacoway's testimony in 1901. He testified his father had lived his entire life in Mississippi, neither he nor his wife having gone West, but that the balance of the family had gone. His gave his mother's name as Sallie Jacoway, 89 years of age, who at that time was still living, at the home of Tom Chitto, close to Edinburg. The record as transmitted contains the following:

Question: Do you know the name of your mother's father?

Answer: No.

Question: Do you know the name of your mother's mother?

Answer: Pahlubbee.

Question: Has your mother a Choctaw name?

Answer: Bincy Pahlubbee.

Charlie Jacoway is a full blood Choctaw, understanding the Choctaw language, and he well knew that Pahlubbee was a male and not a female name. I therefore take it that the stenographer who took the testimony, either in taking it or transcribing it, transposed the terms father and mother; so it will be assumed that the fact is, and that Charlie Jacoway intended to convey the information that his mother's father was Pahlubbee, instead of his mother's mother. He had but little knowledge of his mother's family, but says one sister went to the Territory that he knows of, this sister being elder than his mother.

The records of this office show that Byana's sister, Shallahoka, was transported West by the Government in June, 1849. Charlie Jacoway says his mother's family always lived in Neshoba County, although he was, at the time of giving his evidence, a resident of Leake, an adjoining county, having spent his entire life in



Neshoba and Leake counties. He mentions Captain Cebb as a relative of his family, and a prominent Choctaw in the old days. In fact Captain Samuel Cebb was a son of the same mother as Pahlubbee, the grandfather, and was a resident of Neshoba County. Jacoway had a half brother living, named Davis Jacoway, but had no full brothers living. There were only two children of his sisters living, one of these being Louana Birmingham. Their mother was his full sister, which shows that Louana Birmingham is a grand-daughter of Byana Pahlubbee. He gives the name of another sister as Phyllis Pahlubbee, the mother of Tom Chitto's wife, she being the youngest child of Pahlubbee. It is altogether likely she was not born in 1830.

The letter of this Office of December 20, 1904, contained the statement "that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830." The fact is there were three persons of the name of Chuffatubbee, in behalf of whom scrip was issued in pursuance of the provisions of the 14th article of the Choctaw treaty of 1830. Chuffatubbee, a son of Pia-ah-ta-cubbee, was over ten years of age in 1830. The family lived on Sec. 8, T. 8 N., R. 13 E., Leake County, Mississippi. Chuffatubbee, a son of Pah-lum-mah, was under ten years of age in 1830, and the family lived on Sec. 28, T. 10 N., R. 12 E., Neshoba County, Mississippi. The third Chuffatubbee was a son of Tom Wilson, over ten years of age in 1830, and the family lived on Sec. 7, T. 12 N., R. 9 E., Leake County, Mississippi. Since Byana Pahlubbee married a Chuffatubbee, and in view of the fact that she was a child of less than ten at the time of the treaty, it

would not be a violent presumption to assume that she may have married one of these persons just mentioned, as all lived in the neighborhood of her home. Sorip was issued in behalf of each of them. There was another Chuffatubbee, a son of I-ath-le-pah, born subsequent to the treaty, but no sorip was issued to him. Sorip was issued to all members of the family who were living in 1830.

In the letter in the Harriet Adkins case the Commission was instructed to inform the applicant that the required testimony might be presented by witnesses appearing in person, or in the form of depositions taken in accordance with the Commission's rules, or of affidavits properly executed. It will be noticed by an examination of the letter of the Commission of December 22, addressed to Louana Birmingham, that the only privilege which she was advised she might have in the submission of additional testimony was the testimony of such witnesses as might present themselves in person, and such documentary evidence as might be offered in support of the application. This was not, as will be seen at once, a compliance with the instructions of the Department.

Copies of the depositions in the cases of the families mentioned in this letter are enclosed.

Since the evidence as to the descent of Louana Birmingham from Pahlubbee and Byana, his daughter, was only furnished by one witness, and in view of the fact that the person who is presumed to have been the Byana of the record was still living when the evidence of Charlie Jacoway was taken, and of the additional fact that with the information now furnished by the Office it ought to be possible to establish beyond a doubt whether Louana Birmingham



is a descendant of Pahlubbee and Byana and one of the Chuffatubbees, I recommend that the case be remanded again to the Commissioner to the Five Civilized Tribes, with instructions that he take steps to discover the present whereabouts of Louana Birmingham, and accord her another opportunity to submit evidence as to her ancestry, fully advising her as to what the records show in accordance with the instructions in the Harriethalima case, and that the opportunity to submit evidence be fixed at such time and place, and under such circumstances, as will enable her to comply with the desires of the Department.

Very respectfully,

C. P. Barrabee,

Acting Commissioner.

EBH-Ma

C O P Y

48524-1905

DEPARTMENT OF THE INTERIOR

WCF

I.T.D.13222-1905.

LLB

WASHINGTON

LRS

October 19, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On February 2, 1905, the Commission to the Five Civilized Tribes returned the record in the matter of the application made by Tom Chitte for the identification of himself and family and his minor ward, Louana Burningham, as Mississippi Choctaw, which case was remanded to the Commission December 10, 1904, for appropriate action in accordance with instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Reporting October 5, 1905, the Indian Office recommended that the case be again remanded with instructions that you take steps to discover the present whereabouts of Louana Burningham and accord her another opportunity to submit evidence as to her ancestry.

The Department concurs in said recommendation. The case is hereby remanded and it is desired that you take appropriate action thereon in accordance with the suggestions contained in the Indian Office letter of October 5, 1905, a copy of which is inclosed, together with the record in the case.

Respectfully,

E. A. Hitchcock.

Secretary

12 inclosures.  
Through the  
Commissioner of Indian Affairs.

NO. 4477

Muskogee, Indian Territory, November 7, 1905.

Ed Bonahan,

Purcell, Indian Territory.

Dear Sir:

The Secretary of the Interior has remanded to this office the record in the matter of the Mississippi Choctaw application of Louana Burningham, who appears to be your sister, with instructions that the applicant be granted an opportunity to introduce further testimony and evidence in support of her claim.

This office desires to ascertain the present whereabouts of said Louana Burningham in order that proper notice may be given her of the remanding of her case, and if you can furnish us her present post office address, the same will be appreciated.

Respectfully,

Commissioner.

D.C. 56116-1905  
I.T.D. 5788-1904  
10351, 13228  
16566-1905

(Copy)

G.R.  
LIE  
IRS

DEPARTMENT OF THE INTERIOR

WASHINGTON, December 11, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Upon the presentation made by the Commissioner of Indian Affairs in his report dated October 5, 1905, in the matter of the application of Tom Chitto for the identification of his minor ward, Louana Birmingham, as a Mississippi Choctaw, wherein the Department on October 19, 1906 (I.T.D. 13228), remanded to your office the record in said case for appropriate action thereon in accordance with the suggestions contained in the Indian Office letter of above date, the action of this Department of July 21, 1904 (I.T.D. 5788), affirming the decision of the Commission to the Five Civilized Tribes of May 12, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw, is hereby rescinded.

As Ed Bonaham appears to be a brother of Louana Birmingham, also called Bonaham, and a descendant of the same parties, it is deemed proper that the record in the application of Ed Bonaham, alias Ed Birmingham, whose name appears as Ed Burning-

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ham along with the name of his sister, Louana Burningham, and his grandmother, Sallie Jacoway, upon page 67 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1869, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830, you are requested to consider the case of Ed Bonaham in connection with the rehearing directed by the Department on October 19, 1905 (I.T.D.13228), in the case of his sister, Louana Burningham, also called Bonaham, and notify his attorney or agent, Mr. G. H. Collins, of Davis, Ind. T., that the testimony of Sallie Jacoway, Davis Jacoway, Charles Jacoway, and Louana Burningham, now residents of Indian Territory, is desired, and the testimony of such other witnesses, either orally or by deposition as may be obtainable, to prove that he is either a full-blood Mississippi Choctaw or a descendant (of mixed blood) of an ancestor who complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, or was a beneficiary thereof under subsequent acts enacted by Congress and approved March 3, 1837, and August 23, 1842. He should also be permitted to show whether Ed Bonaham is the descendant of a recognized and enrolled citizen of the Choctaw Nation, Indian Territory.

A letter of G. H. Collins relative thereto is forwarded for



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your information with the record remanded herein.

Respectfully,

(signed) THOS. RYAN,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

REFER IN REPLY TO THE FOLLOWING

M C R 4477

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 10th, 1906.

Louana Fish, or Firh, nee Burmingham,  
In care of Charley Fish, or Firh,  
Buckhorn, Indian Territory.

Dear Madam:

For your information there is enclosed herewith, copy of a letter from the Secretary of the Interior, under date of October 19, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of October 5, 1905, returning to the Commissioner to the Five Civilized Tribes the record in the matter of the application for your identification as a Mississippi Choctaw, for further investigation. A copy of Departmental letter of December 11, 1905, relative to the application for the identification of Ed Bonaham, who appears to be your brother, as a Mississippi Choctaw, is also enclosed.

In conformity with the Department's instructions you are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., for the purpose of testifying in reference to your right to identification as a Mississippi Choctaw.

You should also at said time and place introduce any witnesses whom you may be able to secure, who have actual knowledge



Louana Fisher 2

of your Chectaw ancestors, and if you are the descendant of Pahlubbes Byana and one of the Shuffatubbees, who were Chectaw Indians in the State of Mississippi in the year 1830.

Your case will be considered in connection with the testimony to be submitted at said time and place in reference to the right to identification of your brother Ed. Benahan or Burmingham.

Respectfully,

Acting Commissioner.

Registered.

McM 10/15

N C R 4477  
N C R 3198

COPY.

Muskogee, Indian Territory, February 10th, 1906.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:

September 13, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the identification of Louana Burningham as a Mississippi Choctaw.

The Secretary of the Interior on December 10, 1904 (ITD 12342-1904), returned the record in the case to the Commission to the Five Civilized Tribes for further investigation and for the purpose of ascertaining if the applicant, a mixed blood Choctaw, is the descendant of Pahlubbee and Byana and one of the Chuffatubbees, who was a scrip beneficiary under the 14th article of the Choctaw treaty of 1830.

The Commission to the Five Civilized Tribes, on February 2, 1905, returned the case to the Department with the information that it had been unable to secure additional evidence in reference to the ancestry of the said Louana Burningham.

The Secretary of the Interior, on October 19, 1905, returned the record in the case to the Commissioner to the Five Civilized Tribes for appropriate action in conformity with the suggestions contained in the report of the Acting Commissioner of Indian Affairs of October 5, 1905.

G. E. Collins 2

I transmit herewith for your information, copy of Departmental letter of October 19, 1905 (I T D 13228-1905), accompanied by the report of the Acting Commissioner of Indian Affairs of October 5, 1905 (Land 69238-1904, 86396-1904, 10034-1905).

The Department with its letter of October 19, 1905, also transmitted copies of a number of depositions taken in 1843, 1844 and 1845 in reference to Chuffatubbee.

The Commission to the Five Civilized Tribes on May 12, 1904, also rendered a decision refusing the application for the identification of Ed Bonaham as a Mississippi Choctaw. Said decision was affirmed by the Secretary of the Interior on July 21, 1904 (I T D 6788-1904).

The Department on December 11, 1905 (I T D 5788-1904, 10751, 13228, 16566-1905), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the identification of Ed Bonaham and stated as follows:

"As Ed Bonaham appears to be a brother of Louana Burmingham, also called Bonaham, and a descendant of the same parties, it is deemed proper that the record in the application of Ed Bonaham, alias Ed Burmingham, be considered in connection with the rehearing directed by the Department on October 19, 1905 (I T D 13228), in the case of his sister, Louana Burmingham, also called Bonaham."

For your information there is enclosed herewith copy of Departmental letter of December 11, 1905, returning to the Commission the record in the matter of the application for the identification of Ed Bonaham as a Mississippi Choctaw.

C. H. Collins

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., hear the testimony of the applicant Louisa Birmingham, now Louisa Fish or Firk; the applicant Ed Densham; the witnesses Willie Jacaway, David Jacaway, Charles Jacaway, and such other witnesses as the applicants may present in reference to the rights which they claim as Chickasaw Indians.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

EX-10/14

N O R 4477  
N O R 4193

COPY.

Muskogee, Indian Territory, February 10th, 1906.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

September 13, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the identification of Leuana Burningham as a Mississippi Choctaw.

The Secretary of the Interior on December 10, 1904 (ITD 12342-1904), returned the record in the case to the Commission to the Five Civilized Tribes for further investigation and for the purpose of ascertaining if the applicant, a mixed blood Choctaw, is the descendant of Pahlubbee and Byana and one of the Chuffatubbees, who was a scrippee beneficiary under the 14th article of the Choctaw treaty of 1830.

The Commission to the Five Civilized Tribes, on February 2, 1905, returned the case to the Department with the information that it had been unable to secure additional information in reference to the ancestry of the said Leuana Burningham.

The Secretary of the Interior, on October 19, 1905, returned the record in the case to the Commissioner to the Five Civilized Tribes for appropriate action in conformity with the suggestions contained in the report of the Acting Commissioner of Indian Affairs of October 8, 1905.

M M M A C R

I transmit herewith for your information, copy of Departmental letter of October 19, 1903 (I T D 13228-1903), accompanied by the report of the Acting Commissioner of Indian Affairs of October 5, 1903 (Land 69238-1904, 86896-1904, 10084-1905).

The Department with its letter of October 19, 1903, also transmitted copies of a number of depositions taken in 1843, 1844 and 1845 in reference to Chuffatubbes.

The Commission to the Five Civilized Tribes on May 12, 1904, also rendered a decision refusing the application for the identification of Ed Benahan as a Mississippi Choctaw. Said decision was affirmed by the Secretary of the Interior on July 21, 1904 (I T D 8788-1904).

The Department on December 11, 1903 (I T D 8788-1904, 10751, 13228, 16566-1905), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the identification of Ed Benahan and stated as follows:

"As Ed Benahan appears to be a brother of Louana Burningham, also called Benahan, and a descendant of the same parties, it is deemed proper that the record in the application of Ed Benahan, alias Ed Burningham, be considered in connection with the rehearing directed by the Department on October 19, 1903, (I T D 13228), in the case of his sister, Louana Burningham, also called Benahan."

For your information there is enclosed herewith copy of Departmental letter of December 11, 1903, returning to the Commissioner the record in the matter of the application for the identification of Ed Benahan as a Mississippi Choctaw.

N. M. W. & C. S.

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., hear the testimony of the applicant Louana Burningham, now Louana Fish or Fish; the applicant Ed Bonahan, or Burningham; the witnesses Hallie Jacoway, Davis Jacoway, Charles Jacoway, and such other witnesses as the applicants may present in reference to their right to identification as Mississippi Choctaws.

Respectfully,

SIGNED *Wm. O. Beall.*  
Acting Commissioner.

Registered.

Mar 10/16



(Copy)

DAVIS, I. T., Feb. 11, 1906,

Commissioner to the Five Tribes,

Muskogee, I. T.

Dear Sir:

In further compliance with your demand that I furnish you a "certificate" from the U. S. Judge of this District with the Court seal on it stating that I am a fit person to represent some Indian claimants before you, I herewith enclose you such certificate.

A week or two ago I got a little endorsement from a few of our representative men here to present to the judge which would be a kind of guide to him in his action & sent to him by letter. I have since seen him in person. I enclose it to you also, these men have known me for 12 yrs., you will please return that paper to me, but of course keep the certificate. Now then since this will entitle me to further recognition by you, I take it will you kindly give me all the information you can in respect to each & every case which I asked for in my letter to you dated Jan. 1st.

Recently I went to see Charley Jacoby & Ed Bonaham, uncle & brother to Lonana Birmingham, to get more information as to the whereabouts of Lonana. Charley & Ed live together west of Purcell. They told me that Lonana is in Missa & there to stay & will not come back here to take her allotment, said she & Ed were enrolled in Missa & immediately afterwards she married Charley Fish there &

all came to this Territory together with Mackoway & others, but for some cause unknown to them, she & Ed were never killed, as were the others, so she became disheartened and dissatisfied, so she & Fish returned to Miss, but Ed has remained here all these yrs with the hope and belief that finally he would get his allotment, the same as the others, which all of them think is his just right. If there are facts as to these two cases, I ask you does Lanana's absence jeopardize Ed's interests? why should that bar him? why not permit him to go ahead & select his allotment? so many questions his Indian ship. Your prompt response touching all my cases will be appreciated.

I remain,

Respectfully

(signed)

G. H. COLLINS

No encl.

RH

M. S. R. 2198  
M. C. R. 2477

Muskogee, Indian Territory, May 23, 1906.

Manafield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed copy of testimony taken at  
Ardmore, Indian Territory, March 17, 1906, in the matter of the  
applications for the identification of Ed Bonaham and his sister  
Louanna Birmingham (or Bonaham.)

Respectfully,

Acting Commissioner.

McM 23/3

M S R 3206  
M C R 4477

Muskogee, Indian Territory, May 23, 1906.

G. H. Collins,

Davis Indian Territory.

Dear Sir:

There is herewith enclosed copy of testimony taken at  
Ardmore, Indian Territory, March 17, 1906, in the matter of the  
applications for the identification of Ed Bonahan and his sister  
Louanna Birmingham (or Bonahan).

Respectfully,

Acting Commissioner.

McM 23/4

Muskogee, Indian Territory, May 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

May 28, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Ed Bonham for identification as a Mississippi Choctaw, with its decision of May 12, 1904, refusing said application.

The Department in its letter of July 21, 1904 (I T D 5788-1904), affirmed the decision of the Commission of May 12, 1904, refusing to identify Ed Bonham as a Mississippi Choctaw.

October 1, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application made by Tom Chitto for the identification of himself, his wife Marinda Chitto, his minor child Katie Chitto, and his ward, Louisa Burningham, as Mississippi Choctaws, together with the decision of the Commission of September 13, 1904, refusing the application as to Louisa Burningham, the other applicants having been identified as full blood Mississippi Choctaws by a decision of the Commission to the Five Civilized Tribes of March 18, 1904.

(2)

The Department in its letter of December 10, 1904 (I T D 12342-1904), remanded the record in the case of Tom Chitto, et al., with instructions that the Commission to the Five Civilized Tribes take appropriate action as to the applicant, Louana Burningham, in accordance with the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

December 22, 1904, the Commission to the Five Civilized Tribes addressed a communication to Louana Burningham, in care of Tom Chitto, Edinburg, Mississippi, notifying her that it would, at its office at Muskogee, Indian Territory, up to and inclusive of January 26, 1905, hear the testimony of such witnesses as might be presented and receive for consideration such documentary evidence as might be offered in support of her application. On the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations. No response being made to said notices, the record in the case was on February 2, 1905, returned to the Department, together with copies of the notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations.

The Department on October 19, 1905 (I T D 13226-1905), again remanded the case of Tom Chitto, et al. with instructions that the Commissioner take appropriate action as to the applicant, Louana Burningham, in accordance with the suggestions contained in



(3)

Indian Office letter of October 8, 1905.

The Department in its letter of December 11, 1905 (I T D 16506-1905), reminded its action of July 21, 1904 (I T D 5783-1904), affirming the decision of the Commission to the Five Civilized Tribes of May 12, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw, and remanded said case with instructions that the same be considered in connection with the rehearing directed by the Department on October 19, 1905 (I T D 13223-1905), in the case of Louana Birmingham, it appearing that she is a sister of Ed Bonaham.

This office was also instructed to notify G. H. Collins, Davis, Indian Territory, the agent or attorney of Ed Bonaham, that the testimony of Sallie Jacoway, Davis Jacoway, Charles Jacoway and Louana Birmingham was desired, also the testimony of such other witnesses, either orally or by deposition, as might be obtainable, to prove that said Ed Bonaham is either a full blood Mississippi Choctaw or the descendant of an ancestor who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or was a beneficiary thereunder under subsequent acts enacted by Congress and approved March 3, 1857 and August 23, 1842. This office was also instructed to permit Ed Bonaham to show whether he is a descendant of a recognized or enrolled citizen of the Choctaw Nation, Indian Territory.



(4)

In conformity with the instructions contained in Departmental letter of December 11, 1906, this office on February 10, 1906, notified Ed Benahan (or Birmingham), Purcell, Indian Territory, to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17, 1906, at eight o'clock A. M., for the purpose of testifying in reference to his right to identification as a Mississippi Choctaw. Similar notices were on the same day sent to Sallie Jacoway, Roff, Indian Territory, Davis Jacoway, Roff, Indian Territory, and Charles Jacoway, Purcell, Indian Territory, to appear at the hearing on March 17, 1906, for the purpose of submitting their testimony in reference to the right of Louana Birmingham and Ed Benahan to identification as Mississippi Choctaws.

On the same date G. H. Gallins, Davis, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were furnished copies of Departmental letter of December 11, 1906, returning to the Commissioner the record in the matter of the application for the identification of Ed Benahan as a Mississippi Choctaw, and were advised that the Commissioner to the Five Civilized Tribes would, at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17, 1906, at eight o'clock A. M., hear the testimony of Louana Birmingham (now Louana Fish, or Firth),

(5)

Ed Bonaham (or Burningham), Sallie Jacoway, Davis Jacoway, Charles Jacoway and such other witnesses as the applicants might present in reference to their right to identification as Mississippi Choctaws.

No notice was sent Leuana Burningham for the reason that this office was unable to ascertain her whereabouts, although inquiry had been made of different persons whom it was thought could probably furnish her post office address.

In conformity with the notices referred to, additional proceedings were had at the time and place mentioned therein. G. N. Collins, of Davis, Indian Territory, appeared as agent for the applicant. No appearance was entered on behalf of the Choctaw and Chickasaw Nations. Sallie Billey, Charlie Jacoway, Davis Jacoway and Wes Amos appeared as witnesses for the applicant.

I have the honor to return herewith the original records in the applications of Tom Chitto, et al. and of Ed Bonaham, together with the additional proceedings had before the Commissioner to the Five Civilized Tribes at Ardmore, Indian Territory, on March 17, 1906.

The record, as now presented, shows that Leuana Burningham and Ed Bonaham are full brother and sister and the children of Pahlahna, a full blood Choctaw Indian, and Alenae Burningham (or Bonaham), a mixed blood Choctaw Indian; that Pahlahna was the daughter of Eincy Pahlubbee and Chuffatubbee, both of whom were

(6)

full blood Choctaw Indians and residents of Neshoba County, Mississippi, at the time of the making of the treaty of 1830. The evidence further shows that Nancy Pahlubbee had a brother named Tallawhumbbee, one brother named Tussocka, one brother named Kachubbee, and one sister whose name was Shallahaka, and one sister whose name was Phyllis, and a brother whose name was Silas; the last two have no Indian names.

The Indian Office in its letter of October 8, 1905, states that the records of that office show that Pahlubbee and his family were residents on Section 20, Township 11 north, Range 10 east, Neshoba County, Mississippi, in the year 1830; that said Pahlubbee had a daughter at that time under ten years of age named Nyana, in whose favor a patent was issued for the EV/4 of Section 20, Township 11 north, Range 10 east, Neshoba County.

The name of Pahlubbee appears on page 218 of volume 1 of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims, No. 12742, wherein it appears that the said Pahlubbee was at the date of the treaty of Dancing Rabbit Creek the father of two children over ten years of age, whose names were Shallahaka and Tussocka; that he was the father of four children under ten years of age, whose names were Tallawhumbbee, Nyana, Kachube and Kachukchubbee; that Pahlubbee and his family were members of Captain Samuel Cobb's company; that they resided in Section 20, South-west Quarter, Township 11, Range

(7)

10 east, and that they proved continuous residence for more than five years after the ratification of the treaty.

The testimony of the witnesses at the rehearing in the case on March 17, 1904, establishes beyond a reasonable doubt that Elzey Pahlubee, the grandmother of the applicants Louana Birmingham and Ed Bonham (Birmingham), is identical with Ryana to whom was patented the NW/4 of Section 30, Township 11 north, range 10 east, Yeshaha County, Mississippi, under the provisions of the 14th article of the Choctaw treaty of September 27th, 1830.

The testimony of the witnesses also conclusively shows that the names of the members of Pahlubee's family, the great-grandfather of the applicants, to be identical with the names of the family of Pahlubee who resided in Mississippi in 1830 and who was a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

I am therefore of the opinion that the applicants have, beyond question, established the fact that they are the mixed blood descendants of a beneficiary under the 14th article of the Choctaw treaty of 1830, and are consequently entitled to identification as Mississippi Choctaws under the provisions of the Acts of Congress approved June 23, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641).

I have the honor to respectfully recommend that the previous action of the Commission to the Five Civilized Tribes and of

(6)

advised to the applicants be furnished, and that I be authorized to identify Emma Burningham and El Burdett (or Burningham) as Mississippi Choctaws by reason of being the descendants of the Fifty Five (Emma), a beneficiary under the provisions of the 14th article of the Choctaw Treaty of September 27, 1830.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

WCH 16/1

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. January 15, 1907.

Land.  
44429-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of May 16, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, in which he says that on May 28, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Ed Bonaham for identification as a Mississippi Choctaw, with its decision of May 12, 1904, refusing the application.

The Department, in its letter of July 21, 1904 (I.T.D. 5786-1904), affirmed the decision of the Commission. On October 1, 1904, the Commission transmitted to the Department the record in the matter of the application of Tom Chitto for the identification of himself, his wife, Marinda Chitto, his minor child, Katie Chitto, and his ward Louana Birmingham, as Mississippi Choctaws, together with the decision of the Commission of December 13, 1904, refusing the application as to Louana Birmingham, the other applicants having been identified as full-blood Mississippi Choctaws by a decision of the Commission to the Five Civilized Tribes March 12, 1904.



--E--  
as to the applicant, Louana Birmingham, in accordance with the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

The record was again forwarded to the Department by the Commission on February 2, 1905, and the Department, on October 19, 1905 (I.T.D. 13225-1905), remanded the case of Tom Chitto et al., with instructions that the Commissioner take appropriate action as to the applicant, Louana Birmingham, in accordance with the suggestions contained in Office letter of October 5, 1905.

On December 11, 1905, the Department (I.T.B. 16566-1905), rescinded its action of July 21, 1904, affirming the decision of the Commission refusing to identify Ed Bonaham as a Mississippi Choctaw and remanded his case, with instructions that it be considered in connection with the rehearing directed by the Department in the case of Louana Birmingham, it appearing that she is a sister of Ed Bonaham.

Mr. Bixby further says that he was also instructed by the Department to notify G. H. Collins, Davis, Indian Territory, the agent or attorney of Ed Bonaham, that the testimony of Nellie Jacoway, Davis Jacoway, Charles Jacoway and Louana Birmingham was desired, also the testimony of such other witnesses, either oral or by deposition, as might be obtainable, to prove that Ed Bonaham is either a full-blood Mississippi Choctaw or the descendant of an ancestor who complied or attempted to comply with the provisions of Article XIV of the treaty of Dancing Rabbit Creek, or was a beneficiary thereunder under subsequent acts of Congress approved March 3, 1837 and



-3-  
August 23, 1842, and that he was also instructed to permit Ed Bonaham to show whether he is a descendant of a recognized or enrolled citizen of the Choctaw Nation, Indian Territory.

In conformity with the instructions contained in Departmental letter of December 11, 1905, the Commissioner on February 10, 1906, notified Ed Bonaham (or Birmingham), Parcels, Indian Territory, to appear before the Commissioner at the Chickasaw Land Office at Ardmore, on Saturday, March 17, 1906, at 9 o'clock a.m., for the purpose of testifying in reference to his right to identification as a Mississippi Choctaw. Similar notices were on the same day sent to Hallie Jacaway, Roff, Indian Territory, Davis Jacaway, Roff, and Charles Jacaway, Parcels, Indian Territory, to appear at the hearing on March 17, for the purpose of submitting their testimony in reference to the right of Louana Birmingham and Ed Bonaham to identification as Mississippi Choctaws.

In conformity with notices given by the Commissioner, additional proceedings were had and G. H. Collins of Davis, Indian Territory, appeared as agent for the applicant, Ed Bonaham. Hallie Billey, Charlie Jacaway, Davis Jacaway, and Wes Aves appeared as witnesses for the applicant.

Commissioner Nixby now returns the original records in the applications of Tom Chitto et al., and of Ed Bonaham, together with the additional proceedings had at Ardmore on March 17, 1906, and reports that the record as now presented shows that Louana Birmingham and Ed Bonaham are full brother and sister and the children of Pahlahna, a full-blood Choctaw Indian, and Alenase Birmingham (or Bonaham), a

—4—  
mixed-blood Choctaw Indian; that Pahlahna was the daughter of Biney Pahlubbee and Chuffatubbee, both of whom were full-blood Choctaw Indians and residents of Neshoba County, Mississippi in 1830; also that the evidence shows that Biney Pahlubbee had a brother named Tallawahonubbee, one brother named Tussaka, one brother named Kach-  
ubbee, one sister whose name was Shallahoka, and one sister named Phyllis, and a brother whose name was Silas, the last two having no Indian names.

This Office in its letter of October 5, 1905, reported that its records show that Pahlubbee and his family were residents of Section 29, T. 11 N., R. 10 E., Neshoba County, Mississippi, in the year 1830; that Pahlubbee had at that time a daughter under ten years of age named Ryana, in whose favor a patent was issued for the northwest quarter of Section 30, T. 11 N., R. 10 E., Neshoba County, Mississippi.

The Commissioner further reports that the name Pahlubbee appears on page 218 of volume 1 of the printed record in the case of the Choctaw Nation against the United States in the Court of Claims, wherein it is shown that Pahlubbee was at the date of the treaty of Dancing Rabbit Creek the father of two children over ten years of age whose names were Shallahoka and Tussaka; that he was the father of four children under ten years of age, whose names were Tallawahon-  
ubbee, Ryana, Kachube and Kachakubbee; that Pahlubbee and his family were members of Captain Samuel Cobb's company; that they resided in Section 29, SW/4, Township 11, Range 10 east, and proved their continuous residence for more than five years after the ratifi-

—3—  
cation of the treaty.

The Commissioner expresses himself as being of opinion that the testimony of the witnesses at the hearing in the case on March 17, 1906, establishes beyond question that Bincy Pahlubbee, the grandmother of the applicants Louana Birmingham and Ed Bonham (Birmingham), is identical with Ryana to whom was patented the NW/4 of Section 30, T. 11 N., R. 10 E., Neshoba County, Mississippi, under the provisions of the 14th article of the Choctaw treaty of September 27, 1830.

He is further of opinion that the testimony of the witnesses conclusively shows that the names of the members of Pahlubbee's family, the great-grandfather of the applicants, are identical with the names of the family of Pahlubbee who resided in Mississippi in 1830 and who was a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

On the basis of this evidence the Commissioner expresses the belief that the applicants have established the fact that they are the mixed-blood descendants of a beneficiary of the 14th article of the Choctaw treaty of 1830, and are consequently entitled to identification as Mississippi Choctaws under the provisions of the Acts of Congress approved June 23, 1898 (30 Stat., L., 495) and July 1, 1902 (32 Stat., L. 641). He recommends that the previous action of the Commission to the Five Civilized Tribes adverse to the applicants be rescinded and that he be authorized to identify Louana Birmingham and Ed Bonham (or Birmingham) as Mississippi Choctaws by reason of being descendants of one Bincy Pahlubbee (Ryana) a benefi-

6  
-3-  
tary under the provisions of the 14th article of the Choctaw Treaty of September 27, 1830.

The paper submitted in this case is relieved by the Office to identify in a satisfactory manner the ancestor through whom these applicants claim as the Byrnes, a daughter of Pahlubee, who received a patent for land under the provisions of the 14th article of the Choctaw treaty of 1830, and I recommend that the decision of the Commission of May 12, 1904, adverse to Ed Bonham, and of March 12, 1904, adverse to Louana Burningham, be reversed, that the decisions of the Department approving these findings of the Commission be rescinded, and that the Commissioner to the Five Civilized Tribes be directed to identify Louana Burningham and Ed Bonham as Mississippi Choctaws.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

END-Y.

CR.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LVE

I.T.B. 5732-1904.  
1886-1905.  
1906-1907.

February 13, 1907.

IRS.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

May 16, 1906, you returned the remanded record in the matter of the application of Ed Bonaham and his sister, Louana Burningham, consolidated, for identification as Mississippi Choctaws, and recommended that the previous action of the Commission to the Five Civilized Tribes, adverse to the applicants, be rescinded and that you now be authorized to identify Louana Burningham and Ed Bonaham (or Burningham) as Mississippi Choctaws, by reason of being descendants of one Biney Fulkubus (Byand), a beneficiary under the provisions of article 14 of the Choctaw treaty of September 27, 1830.

The Commissioner of Indian Affairs reporting thereon January 15, 1907 (Land 4422-1906), copy whereof is inclosed, concurred in your recommendation.

In accordance therewith, the previous action of the Commission to the Five Civilized Tribes of September 13, 1904, refusing to identify Louana Burningham as a Mississippi Choctaw, and the action of the Commission of May 18, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw is hereby rescinded, and you are authorized to identify Louana Burningham and Ed Bonaham (or Burningham) as



Enclosed for you.

You will advise proper parties of this action.  
The papers in the case and a carbon copy thereof have been  
sent to the Indian Office.

Respectfully,

Wm. H. Ryan,  
First Assistant Secretary.

1 Inc. and 5 to Ind. 55.

A. V. Ho.  
2-14-07.

MCB-3195

MCB-4477

Muskogee, Indian Territory, February 23, 1907.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 13, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 15, 1907, directing the Commissioner to the Five Civilized Tribes to identify Ed Bonham ( or Birmingham) and his sister, Louana Birmingham, as Mississippi Choctaws.

Respectfully,

VLM.  
Encl. 22/8

Commissioner.



WAB-3136

WAB-4477

Wichita, Indian Territory, February 23, 1907.

Ed Bonham, or Birmingham,  
Pawnee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of February 13, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 15, 1907, directing the Commissioner to the Five Civilized Tribes to identify you and your sister, Leona Birmingham, as Mississippi Choctaws.

Respectfully,

VLM.  
Encl. 23/1

Commissioner.

MCR-3193

& 4477

Muskogee, Indian Territory, March 22, 1907.

Ed. Glass,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 12, 1907, addressed to the United States Indian Agent, Muskogee, Indian Territory, and by him referred to this office for appropriate action. Therein you ask if Ed and Louana Bonaham (or Birmingham) may now select their allotments.

In reply you are advised that on March 2, 1907, the Secretary of the Interior approved a schedule containing the names of Ed Bonaham and Louana Bonaham, duly identified Mississippi Choctaws, opposite numbers 2522 and 2523 respectively.

You are further advised that on March 2, 1907, the Secretary of the Interior approved a schedule constituting a part of the final roll of Mississippi Choctaws containing the name of Ed Bonaham opposite number 1439.

Inasmuch as Louana Bonaham did not submit satisfactory proof of her removal to and settlement within the Choctaw-Chickasaw country prior to March 4, 1907, selection of allotment can not be made by or on her behalf.

Respectfully,

Commissioner.

Iseda Jacoway dead f.b.  
(Chuffalubbee)  
wife

Mc 32<sup>12</sup> Identified not remanded  
Charlie Jacoway 52 f.b.  
Wife  
Mandy Jacoway 24 f.b.  
father  
Martin Weschock, dead f.b.  
Indian name  
(Shon-Cunny Weschock-She-homah)  
x grandfather  
Weshoeshe-homah f.b.  
x mother  
Sallie Martin 65 f.b.  
dead

Mc 3 Identified not remanded  
Martin Jacoway 5  
Oma Jacoway 4  
Elsie Jacoway 3  
Onus Jacoway 5 M

Ineda, dead-f.b.

Ineda Jacoway dead f.b.  
Indian name  
(Chuffalubbee)  
Wife  
Sallie dead f.b.  
x Sallie 89 f.b.  
Indian name  
(Bincy Pak-lubbee)  
xx mother Pak-lubbee

Mc 30<sup>12</sup> Identified not remanded  
Davis Jacoway 50 f.b.  
Wife  
x Sealy Jacoway 38 f.b.  
first husband  
James dead f.b.  
father Martin Weschock f.b.  
mother Sallie Weschock f.b.

Mc 30<sup>12</sup> Identified not remanded  
Fula James 12  
Rose Jacoway 7 M

x All Choctaw names ending  
Ubbie denote male sex  
and it is believed that  
Pak-lubbee is the father of  
Sallie and not the name  
of the mother as letter of  
department remanding the  
case of Tom Chitto stated

Pauline or Pak-lahna or  
Margaret Paulina Jacoway  
dead, f.b.  
Married  
Alonzo Birmingham or  
Bonaham  
dead 1/2

Mc 19<sup>5</sup> Remanded  
Ed Bonaham 21 1/4  
Mc 1 Remanded  
Louana Birmingham 19 1/2  
(locater or Hickory)

Tom Chitto dead fb  
wife

Way-lay-ho-nah  
dead fb

MC  
1897 Remondet

Tom Chitto, 48 fb

Wife

MC  
1897

Katie Chitto,

Jim Haukin dead fb  
wife

Slooi dead fb

xx Phyllis Pak-lubbee

x Sister of Sallie (Biney  
Paklubbee) see

testimony of Jim apt in

mc 3213

MC  
1897

Marinda Chitto  
37 fb

BIRTH AFFIDAVIT.

Miss. Chas. Cars felt No. 60.  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification  
IN RE Application for Enrollment, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of Katie Chitto (Here insert name of child) born on the 3 day of September, 1900  
Name of Father: Tom Chitto, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Marinda, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office, Edinburg, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi,  
County of Leake

I, Marinda Chitto, on oath state that I am 37  
years of age and a citizen by Full Blood of the Choctaw Indian Nation;  
that I am the lawful wife of Tom Chitto, who is a citizen by  
Full Blood of the Choctaw Indian Nation, that a Female child was  
(male or female.)  
born to me on the 3 day of September, 1900, that said child has been  
named Katie Chitto, and is now living.

WITNESSES TO MARK  
(Must be Two Witnesses) Guy L. V. Emerson  
A. Bear Billy

Marinda Chitto  
mark

Subscribed and sworn to before me this 6th day of January, 1902  
L. B. Moseley, Clerk  
U. S. Circuit Court, S. D. of Mississippi  
By J. H. S. C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi,  
County of Leake

Tom Chitto, on oath state that I  
attended on Mrs. Marinda Chitto, wife of  
on the 3 day of September, 1900; that there was born to her on  
said date a Female child; that said child is now living and has  
(male or female.)  
named Katie Chitto.

WITNESSES TO MARK  
(Must be Two Witnesses) Guy L. V. Emerson  
A. D. Streit

Tom Chitto  
mark

Subscribed and sworn to before me this 4 day of Jan, 1902  
L. B. Moseley, Clerk  
U. S. Circuit Court, S. D. of Mississippi  
By J. H. S. C.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

Application for Enrollment of  
INFANT CHILD

*Kate Chitt.*

is a citizen of

MISSISSIPPI CHOCTAW.

Approved, .....

190.....

FOR IDENTIFICATION AS  
MISSISSIPPI CHOCTAW.

Commissioner.

*John H. Choate and Will H. Choate*

The with application is accepted as evidence of the birth of the with named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JAN 15 1902

*[Signature]* ACTING CHAIRMAN.

MISSISSIPPI CHOCTAW, #60.

4477

Register to Louana Fisher, nee Birmingham,  
c/o Charley Fisher,  
Buckhorn, Ind. Ter.

Return receipt to M C R 4477

*(Note) Letter not sent because we  
could not locate Louana F.—*



4177  
 For Identification as a Mississippi Choctaw.

Edinburg, Miss.

JAN 4 1902

Name *Tom Chitto*

Age *48* Blood *full*

Post Office, *Edinburg, Miss.*

Father: *Tom Chitto* d

Mother: *Way-lay-ho-nah* d

Claims through *both parents.*  
 wife *Marinda Chitto (full) 37* d

Father *Jim Waukin* d

Mother *Stoie* d  
 (Claims for self, wife, one child & ward.)

Children:

*Statie Chitto* 1-

(See Miss. Choctaw full set to 60 as to-  
 Tom Chitto, wife, & child (?) No. 252 as to  
 Louana Birmingham.)

*Louana Birmingham (3/4) 19*

Father *Alonzo Birmingham* d

Mother *Paulina* (full) d

Mother of Paulina - *Sallie Jacoway* (d)

Stenographer

*R. S. Strick*

Choctaw MCR 4478

John B. Wallette

See MCR 4895

MCR 4478

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Waskogie, Indian Territory, January 11, 1902.

In the matter of the application of John B. Wallette for the identification of himself and his three minor children Gertrude, Eugenia and John Steven Wallette, as Mississippi Choctaws.

Applicant represented by J. E. Arnold, Attorney.

John B. Wallette being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John B. Wallette.  
Q What is your age? A Forty.  
Q How much Choctaw blood do you claim to have? A One-sixteenth I believe.  
Q What is your post office address? A Lynn, Louisiana.  
Q How do you spell that?  
(By Attorney) A. L-y-n-n, I believe is the way it is spelled.  
Q How long have you lived there? A Always lived there.  
Q Born there? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A John B. Wallette; the same as mine.  
Q How old would your father be if he was living now? A He would be about eighty.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Rosalia Wallette.  
Q How old is she? A She's sixty-six I believe.  
Q Through which one of your parents do you claim Choctaw blood? A My mother.  
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Eugenia Wallette.  
Q Is she a white woman? A Yes sir.  
Q Makes no claim to Choctaw blood? A No sir.  
Q Do you make any claim for her? A No sir.  
Q Have you any children? A Yes sir; three.  
Q That you want to make application for at this time? A Yes sir.  
Q What are the names and ages of those children? A I got them here.  
Q What's the name of the eldest child? A Gertrude.  
Q How old is she? A Five.  
Q So go through; I asked you the names of all of them?  
A Eugenia; she's three. John Steven, eighteen months.  
Q Are you the father of those three children? A Yes sir.  
Q Rosalia Wallette is the mother of them? A Yes sir.  
Q The children are living with you are they? A Yes sir.  
Q When and where were you married to your wife? A When.  
Q Yes sir. A In '86.

- Q Where? A At her home.
- Q What place? A Trinity.
- Q Louisiana? A Yes sir.
- Q Were you married by a minister? A No sir; by a Catholic Priest.
- Q Under a marriage license? A Yes sir.
- Q Have you your marriage license and certificate with you?
- A No sir.
- Q It will be necessary that you file with the Commission evidence of the marriage between yourself and wife; you can do that by filing the original marriage license and certificate or a certified copy of the same.
- Q Does your name or the name of any of your children appear upon any of the Choctaw tribal rolls in Indian Territory?
- A No sir.
- Q Where does your mother live? A She lives in Louisiana at her home.
- Q Well, I know at her home but tell me what town? A She don't live in town; she lives in the country.
- Q Near what place? A Camti, Louisiana.
- Q How long has she lived there? A Well she's been living there about fifty years I reckon.
- Q Where was she born? A She was born in De Sota Parish, Louisiana.
- Q How much Choctaw blood does your mother claim? A An eighth I believe.
- Q Did your mother ever live in the State of Mississippi?
- A No sir.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Dawes Commission to be admitted to citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for the Indian Territory?
- A No sir.
- Q Have you ever made application prior to this time for yourself and your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before this Commission at this time claiming rights in the Choctaw lands in the Indian Territory for yourself and these minor children under the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27th, 1830, in Mississippi? A Yes sir.
- Q This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th of September 1830 between the United States government and the Choctaw tribe of Indians and was at that time accompanied by a cession of the State of Mississippi and a small portion of the State of Alabama along the western boundary line and the object of the treaty was to secure the removal of all the Choctaws from the country that they then occupied to a new country.



west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to move to this new country but wanted to remain in the old Choctaw Nation. For the benefit of these Choctaw Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation Mississippi and Alabama and desired to become a citizen of the states and wanted to accept lands under the provisions of this article, he should within six months from the time this treaty was ratified, the treaty being ratified by Congress on the 24th day of February 1831, go before the government agent in Mississippi and tell him that he wanted to remain in the old Choctaw nation and wanted to take land under the provisions of this article. After having done that he would be entitled as the head of a family to a section of land, six hundred and forty acres to be bounded by sectional lines of survey and for each child in his family unmarried and over the age of ten years he was entitled to one half that quantity or three hundred and twenty acres and for each child in his family under ten years of age he was entitled to one quarter section of land or one hundred and sixty acres. The reservations of the children to adjoin the reservation of the parent. These reservations to include any improvements owned by the head of the family at the time the treaty was made, the 27th of September 1830. This article also required that after a Choctaw had received his land that he should reside upon said land for five years after which time the government would give him a title in fee simple enabling him to dispose of the land at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw elected to remain in

the old Choctaw Nation and complied with this article by taking land and residing upon the lands for five years, should he ever remove he did not forfeit his rights of citizenship in the new Choctaw Nation Indian Territory but he did forfeit any right to any portion of the Choctaw annuities; annuities were moneys that were being paid to the Choctaw tribe of Indians annually by the United States government under treaty provisions.

- Q Do you think you understand that article now as read and explained? A Yes sir I believe I understand it.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation Mississippi and Alabama at the time this treaty was made? A I believe it must have been my great grand mother.
- Q What was her name? A Niwah.
- Q How do you spell that? A I can't spell it.
- Q Is it Niwah or Nantawah? A Nantawah.
- Q Is that an Indian name? A Yes I believe it is; yes it's an Indian name.
- Q Did she have an American name? A No.
- Q You say she was your grandmother or great grandmother?
- A Great grandmother.
- Q You got your Choctaw blood from your mother; who does she get her Choctaw blood from? A From her grandmother.
- Q Which one of her parents? A Mother; mother's side.
- Q What was her name; your grandmother's name? A Roblew.
- Q You don't know her given name? A No sir.
- Q Who did this Roblew get her Choctaw blood from; her mother?
- A Yes sir.
- Q What was that mother's name? Nantawah. A Yes sir.
- Q Did your mother have any brothers and sisters older than she? A Yes sir I believe she did.
- Q You have some uncles and aunts older than your mother?
- A Yes sir.
- Q How much older? A I can't say.
- Q About how much do you think the eldest one was? A Well I have no idea; she must have been maybe three or four years older; maybe not so much.
- Q Was that Roblew married and head of a family in 1830?
- A I don't know.
- Q Your family records don't show that she married at that?
- A No sir.
- Q Where did this Roblew live in 1830? A I don't know.
- Q Did she ever live in the state of Mississippi? A Roblew didn't I don't believe so.
- Q Did you know her personally? A No.
- Q Never saw her? A No sir.
- Q Did she die before you were born? A Who.
- Q Your grandmother? A I've seen her; yes.
- Q You have seen Roblew then? A Yes.
- Q How old was she when she died do you think? A She was tolerable old when she died.
- Q How much older do you think; how many years older than she was?
- A I believe she's been dead about twenty-five years; I reckon it maybe thirty.
- Q How old was she when she died do you think? A She must have been along about fifty; I reckon maybe; she wasn't so very old when she died.

John B. Hallett--5.

- Q A family in 1830 or not? A No sir.
- Q Was Nantaw married a head of a family in 1830? A I don't know.
- Q Did Nantaw live in the old Choctaw Nation Mississippi and Alabama at the time this treaty was made September 27, 1830?
- A I don't know; she came from there but I don't know what time she came from there.
- Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation Mississippi and Alabama at the time this treaty was made? A Not that I know of.
- Q Do you know of the existence of any kind of proof that you could bring before the Commission that would show that Nantaw or any of your Choctaw ancestors owned land in the old Choctaw Nation at the time this treaty was made?
- A No I can't bring anything.
- Q You don't know of the existence of any such proof? A No sir.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation to the new Choctaw Nation Indian Territory when the Choctaws moved to the Indian Territory between the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the 24th day of February 1832 - that is six months from the date the treaty was ratified, go before the government agent there in Mississippi and tell him they wanted to stay in Mississippi and take lands under the provisions of the fourteenth article of the treaty of 1830? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government as Choctaw Indians under this article? A No sir.

In accordance with the provisions of the fourteenth article of this treaty the government directed an agent in Mississippi to register the names of all the Choctaws who desired to remain and become citizens of the states and wanted to take lands under its provisions. The records of the government show that this agent failed to register the names of a great many of the Choctaws who really did go before him and signify their intention of remaining in the old Nation and taking land and on this account in many instances lands on which Indians owned improvements and which the desired reserved for them under this article were sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed commissions to go into the state of Mississippi and investigate these claims; these commissions investigated a large number of claims some of which they allowed and others they rejected or the claims allowed if the lands had not been sold by the government the Indians were put in possession of them. If however they established that rights before these commissions to lands that had been sold by the government issued scrips to those Choctaws who had lost their lands by these public land sales and under this scrip they were enabled to locate on vacant government lands in the states of Mississippi Alabama Arkansas and Louisiana.

- Q Did any of your Choctaw ancestors own any lands in either of these states? A Not that I know of.



John B. Wallette—5.

- Q In Mississippi? A Not that I know of.
- Q Alabama? A No.
- Q Arkansas? A No.
- Q Louisiana? A No.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government entitling them to lands in any of those states in lieu of lands that had been sold by the government of the United States and which they had established their claims to before these commissions? A No sir.
- Q Did any of your Choctaw ancestors ever appear before any of these commissions and attempt to establish any claim to land under the fourteenth article of this treaty? A No sir.
- Q Do you know of the existence of any proof of any kind that you could bring before this Commission that would tend to show that your Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article? A Could I bring any?
- Q Yes. A I guess I could, yes.
- Q Do you understand that question? A Yes sir.
- Q What was it? A Well, if I could have any proof to show ---
- Q To show that your Choctaw ancestors complied with the provisions of this fourteenth article; can you bring any proof to this Commission to show that the Choctaw ancestor through whom you claim your right complied with the provisions of this article by going before the government agent in Mississippi and signifying his intention of remaining in the state and also telling him - that agent - that he wanted to acquire land under the provisions of the fourteenth article of the treaty of naming Rabbit Creek? A No I don't do that.
- Q Do you know of the existence of any documentary evidence such as deeds to land, patents or papers of any kind that would show that your Choctaw ancestors ever received any land from the United States government as Choctaw Indians under the provisions of this article? A No sir.
- Q Do you know of any witnesses that you could bring before this Commission that could testify to these facts - that your ancestors complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q Have you any witnesses that you want to introduce today in support of your application? A No sir.
- Q Have you any written evidence you want to file today in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there any further statement you desire to make in support of your case? A No sir.
- Q Have you any relatives who have been before this Commission and made application for identification as Mississippi Choctaws? A I have a brother been here some time ago.
- Q What is his name? A Lewis Wallette.

Reference is made to U.S. 2255 Lewis E. Wallette, et al.

you know Joseph E. Florent? A Yes sir.

A relation is he to you? A He's my second cousin.

John H. Walker--Q

- Q Who does he get his Choctaw blood from? A From his mother's side I believe.  
Q What relation is his mother to your mother? A First cousin I believe.

Reference is made to 2506 Joseph O. Flores et al.

- Q What relation is Maxim Perier to you? A I don't know.

This applicant has black hair, dark brown eyes fair complexion; speaks the English language with a strong French accent; has the features and appearance of a white person; does not speak or understand the Choctaw language; has no knowledge of compliance on part of any of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of January 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 10th day of Jan 1902.

*C. R. Buckner*

Commissioner.

COPY.

Waskagoo, Indian Territory, September 8, 1903.

John D. Vallette,  
Lynn, Louisiana.

Dear Madam:

You are hereby advised that on the 2nd day of September 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rosalia Vallette, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |            |
|----------------------------|------------|
| Rosalia Vallette,          | M O R 4895 |
| Rolia Laurent, et al.,     | " 4896     |
| Angela Laurent,            | " 4898     |
| Olivia Vallette, et al.,   | " 4897     |
| John D. Vallette, et al.,  | " 4478     |
| Louis L. Vallette, et al., | " 4329     |
| Joe Clanton, et al.,       | " 3101     |
| Wm. Phares, et al.,        | " 3467     |
| Mary M. Beach, et al.,     | " 3098     |
| John Bruchier, et al.,     | " 3087     |
| Joseph A. Brown, et al.,   | " 3286     |
| Joe D. Laffitte,           | " 3100     |
| Leon Laffitte,             | " 3102     |
| Napoleon Laffitte,         | " 3087     |
| Sam Laffitte,              | " 3099     |
| A. Dubois, et al.,         | " 3203     |
| Elaine Dubois,             | " 3747     |
| James Phares, et al.,      | " 3714     |
| Sylvester Martin, et al.,  | " 3712     |
| Joseph S. Martin, et al.,  | " 3762     |
| Della Martin, et al.,      | " 3931     |
| Carrie L. Martin, et al.,  | " 3953     |
| Clara Legrand, et al.,     | " 3713     |
| Benny Martin, et al.,      | " 3762     |
| Edward Porter, et al.,     | " 2220     |
| Stuckey Porter,            | " 2244     |

|                             |            |
|-----------------------------|------------|
| Elmnetta Deaton, et al.,    | M C R 2392 |
| Bob Dupre, et al.,          | " 2241     |
| Lee Dupre,                  | " 2243     |
| Edward L. Grumbles, et al., | " 2249     |
| Annie Flores, et al.,       | " 2980     |
| Charley E. McCause, et al., | " 2248     |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rosalia Wallette, Zelia Laurent, Jones Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angale Laurent, Olivia Wallette, Earnest Wallette, Edwin Wallette, Lee Wallette, Eva Wallette, John G. Wallette, Gertrude Wallette, Eugenia Wallette, John Eleven Wallette, Louis L. Wallette, Lambert Wallette, Joe Clanton, Dan Clanton, Nora Flores, Angela Flores Mary E. Beach, Robert Beach, Willie Beach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph G. Flores, Alena Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubas, Joe Dubas, John Dubas, Napoleon Dubas, Elanie Hender, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rabin, Sydney Rabin, Samuel Rabin, Mattie Rabin, Pearl Rabin, Birdie Rabin, Eda Rabin, Joseph L. Rabin, Mary E. Rabin, Della Rabin, Joseph Arnold Rabin, Carrie Rabin, Myrtle Rabin, Lawrence L. Rabin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph V. Legrand, George H. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Benny Rabin, Joseph G. Rabin, Arthur Rabin, Lula Rabin, Joseph McRabin, Thomas Rabin, Edward Perier, Winnie Perier, Annie Bell Perier, Sterling Perier, Elmnetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert



[illegible]

You are further advised that the Commission has on this date forwarded the Report in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

(SIGNED)

*Jane Birby.*

\_\_\_\_\_

**THE**

John B. Wallette,

Lynn, Louisiana.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rozelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

SIGNED,

*James Bixby*

Chairman.

M.C.R. 4478.

COPY

Muskogee, Indian Territory, November 12, 1906.

John B. Wallette,  
Lynn, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roxelia Wallette, et al.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.



ECR-4478

Muskogee, Indian Territory, March 2, 1907.

John B. Wallette,  
Lynn, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rosalia Wallette et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Ch

Date JAN 11 1902

Name John B Wallette

Age 40 Blood 1/16

Post Office, Lynn La

Father: John B. Wallette Dr

Mother: Rosalia Wallette ✓

Claims through Mother

Wife  
Eugenia Wallette ✓  
No claim for wife

Claim for self & 3 Children

Children:

Gertrude Wallette 5

Eugenia " 3

John Kevin " 18m

Stenographer Lela M. Tuttle Dec 5

Choctaw MCR 4479

Samuel H. Harris

See MCR 4481

MCR 4479

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, January 11, 1902.

4479.

In the matter of the application of John Bunyan Harris, for the identification as Mississippi Choctaws of his seven minor children, Samuel Houston Harris, Magdalena Harris, George Washington Harris, Ella Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris and John Bunyan Harris.

Applicant represented by Galloway & Heflin.

John Bunyan Harris being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Harris -- J. B.  
Q What does the J. B. stand for? A John Bunyan.  
Q What is your age? A Forty-two, be forty three the second day of February.  
Q How much Choctaw blood do you claim? A I don't claim any.  
Q What kind of application is this? A I'm making for my children.  
Q What is your post office address? A Ethel Texas.  
Q How long have you lived at Ethel? A I've lived there about nine years; it will be nine years in February.  
Q Do you desire to make application for your minor children?  
A Yes sir.  
Q What are their names and ages? A Samuel Houston is the eldest one he will be sixteen years old in May. Magdalena, fourteen, George Washington, his age is about twelve. Ella Hughes Harris, she's about ten years old - in June and Martha Jane, she's seven, and Thomas Jefferson, he's about five; John Bunyan, he's pretty near three years old - not quite.  
Q Any others? A No sir.  
Q What is the name of the mother of these children? A Her name was Sarah Ellen Brown.  
Q Is she living? A No sir.  
Q When did she die? A She died the 26th of June last.  
Q Did she claim Choctaw blood? A Yes sir.  
Q How much? A Claimed to be one-eighth.  
Q Is your wife's father living? A No sir.  
Q What was his name? A John Shelby Brown.  
Q How old would he be if he were living now - John Shelby Brown?  
A He was born in 1848.  
Q He would be about fifty-five years of age if living at this time  
A Yes sir.  
Q Is your wife's mother living? A No sir.  
Q What was her name? A Her name was Mary Jane Butler.  
Q How old would she be if living? A She was born in 1847.  
Q That would make her about fifty-four years of age if living now? A Yes sir.  
Q Which one of your wife's parents did she get her Choctaw blood from? A Her mother.  
Q Mary Jane Butler? A Yes sir.  
Q How much Choctaw blood did Mary Jane Butler have? A One quarter she said.  
Q Who did Mary Jane Butler get her Choctaw blood from? A Her father.  
Q What was his name? A His name was Reuben Butler.  
Q When and where were you married to your wife? A I was married in Russell County, Kentucky in 1880.

John Bunyan Harris--3.

- Q By a minister or an official? A A minister.
- Q Under a marriage license? A Yes sir.
- Q Have you that marriage license or a copy of it with you?
- A No sir.
- Q It will be necessary for you to furnish the Commission with evidence of the legal marriage between your wife and yourself in support of this claim which you are making. You can do that by furnishing the original marriage license and certificate or a certified copy.
- Q Was your wife ever recognized in any manner or enrolled as a member of ~~the~~ the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A No sir.
- Q Are the names of any of your children to be found upon the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Did anyone for your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did anyone for your children ever make application in 1896 to the Dawes Commission for their admission to citizenship in the Choctaw Nation under the act of Congress approved June 10 1896? A No sir.
- Q Has any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Has any application ever been made prior to this time for any of your children to either the Choctaw tribal authorities or the United States authorities for their admission or enrollment as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for these minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830? A I never knew anything about the treaty; that is never understood it; I just simply make application because I supposed they had the right as Choctaw Indians.
- Q What kind of right do you think they have? A I think - at least I have always understood that they had a right--
- Q What kind of right; what gives them a right - what kind of right have they? A Of course I understood them to have a right by the treaty of the United States with the Choctaws.
- Q What treaty? A Well the treaty of 1830. Or about that time.
- Q Well I asked if you make application for these children under the fourteenth article of that treaty; is that what you are claiming under? A I don't know what the article is.
- Q The law vesting this Commission with authority to hear applications of persons claiming rights as Choctaw Indians is found in section 21 of the Act of Congress of June 28, 1898 and is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty, and to that end any administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

- Q Do you make your application as a Mississippi Choctaw Indian
- A Yes sir.



- Q And do you claim under the fourteenth article of that treaty?  
A You say that is the article, you just read?  
Q No sir, that is not the article, that is the authority of law vesting this commission with power to hear and determine these applications. Do you make any claim under any other treaty? A No sir; as I say, I don't understand what treaties are.  
Q How do you know you are a Mississippi Choctaw Indian? A Well sir I always understood—that is that my wife was and her people was Indian and always understood that they had a right  
Q What kind of right? A That they have a right that was given them by the government in this treaty that I spoke of.  
Q That is the treaty of 1830? A Yes sir.  
Q You claim under the treaty of 1830? A Certainly, yes sir.  
Q This treaty was entered into the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of that treaty was to secure the removal of all the Choctaws to a new country west of the Mississippi river; at the time the treaty was made some of the Choctaws wanted to remain in the old Nation Mississippi and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That article required that in case a Choctaw elected to remain in the old Choctaw Nation Mississippi and Alabama - did not want to come to the new country, he must within six months from the time this treaty was ratified by Congress (and Congress ratified the treaty on the 24th day of February 1831) go before the government agent in Mississippi and signify to him that that he did not want to come to this new country - wanted to remain in the old Choctaw Nation and accept lands under the provisions of this article; after having done that he was entitled to a reservation as the head of a family of one section of 640 acres of land and for each child in his family unmarried and over the age of ten years he was entitled to one half that quantity of land, 320 acres and for each child under ten years of age, one fourth that quantity, 160 acres,

the reservation of his children to adjoin his reservation and these reservations to include any improvements owned by the head of the family at the time the treaty was made, the 27th day of September 1830; this article required that after a Choctaw had received his land from the government under this article that he should reside upon this land for the term of five years, after which time the government would give him a title in fee simple, enabling him to dispose of his land at his pleasure; the last clause of that article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That means that if a Choctaw did remain in the old Nation and did get his land under the provisions of this article and resided upon this land for five years as required by the article he did not forfeit his right to citizenship in the new Choctaw Nation Indian Territory but did lose any right to and claim to the Choctaw annuities; annuities were moneys that were being paid annually to the Choctaw tribe of Indians by the United States government under treaty provisions. Do you think you understand that article now? A Yes Sir I think so.
- Q You make your claim under that article do you for your children.
- A Yes sir.
- Q What is the name of ~~your~~ Choctaw ancestor of these children who lived in the old Choctaw Nation Mississippi or Alabama at the time this treaty was made? A I never did know.
- Q What was Reuben Butler's father's name? A His name was William Butler.
- Q You have testified that your wife Sarah Ellen Harris derived her Choctaw blood from her mother Mary Jane Butler? A Yes sir
- Q What was Mary Jane Butler's married name? A Mary Jane Brown.
- Q And that Mary Jane Butler derived her Choctaw blood from her father Reuben Butler? A Yes sir.
- Q Was Mary Jane Butler, your wife's mother married and the head of a family and did she live in the old Choctaw Nation in Mississippi or Alabama in 1830 at the time this treaty was made? A No sir.
- Q Was ~~Reuben~~ Reuben Butler, your wife's grandfather married and the head of a family and did he live in the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made? A I dont know; I have always understood he come to Kentucky when he was a young man.
- Q Did you ever know your wife's mother? A Yes sir.
- Q How old was she when she died? A She was about thirty eighth years old I think; I cant remember exactly.
- Q How long has she been dead? A She's been dead;-- if I'm not mistaken she died in November in '86.
- Q That would make it then about fifteen years since she died?
- A Yes sir.
- Q And she would be about fifty-three years old if living now?
- A ~~She would be fifty-four years old~~ I may be mistaken in the time she died
- Q She would be fifty four years of age now? A Yes sir.
- Q Did Mary Jane Butler have any brothers and sisters older than she? A Yes sir.
- Q How much older was the eldest brother or sister than she?
- A I dont know how much older.
- Q Was Reuben Butler married and the head of a family and did he live in the old Choctaw Nation Mississippi and Alabama at the time this treaty was made? A I dont know.
- Q Was he married and head of a family at that time? A I dont know that either; I dont suppose he was.



- Q Have'nt you any proof of any kind to show where the marriages of any of your wife's ancestors were? A Nothing further back than my wife's mother; I got that in my Bible at home.
- Q Or where they lived; why do you think you have any rights as a Mississippi Choctaw for these children claiming descent through you wife when you cant show that any of your wife's ancestors ever liv ed in the old Choctaw Nation? A I understood they did. I only knoww what I heard Mr. Reuben Butler say; he come from there.
- Q When did he live in the old Choctaw Nation Mississippi? A He said he left there when he was a boy.
- Q How old was he? I want something definite.
- A I dont remember as I ever heard him say just how old he was.
- Q Did he tell you he was married when he moved from the old Choctaw Nation? A He was married in Kentucky.
- Q Do you know what age Reuben Butler was when he married in Kentucky? A No sir I dont, as he was married before I was born.
- Q Did you ever hear him say how old he was when he was married in Kentucky? A No sir.
- Q Who did Reuben Butler get his Choctaw blood from? A From his father.
- Q What was his father's name? A I suppose his father's name was William Butler.
- Q To the best of your information - the best of your knowledge, Williams Butler was the father of Reuben Butler was he? A Yes sir.
- Q Was William Butler a Choctaw Indian? A Yes sir.
- Q How much Choctaw blood did he claim? A William Butler claimed to be full blood.
- Q Was William Butler married and the head of a family and did he reside in the old Choctaw Nation Mississippi and Alabama in 1830? A I dont know; I know some things I have heard; I dont know whe ther they are trueser not - what I have heard about it.
- Q So far as you know ~~xxxxxx~~ were any of the Choctaw ancestors of your minor children recognized as members of the Choctaw tribe of Indians at the time this treaty was made September 27, 1830? A I dont know.
- Q Did any of ~~xxxxxx~~ Choctaw ancestors of your minor children move from the old Choctaw Nation Mississippi and Alabama to the new Choctaw Nation Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Indian Territory? A I dont know.
- Q Did any of ~~xxxxxx~~ Choctaw ancestors of your minor children within six months from the 24th day of February 1831, that is the date this treaty was made, go before the government agent in Mississippi and inform him that they wanted to remain in the old Choctaw Nation and that they wanted to take land under the provisions of this article? A I dont know whether they did or not.
- Q Did any of the Choctaw ancestors of these children ever receive or claim any land from the United Stat as government as Choctaw Indians under this fourteenth article? A Not that I know of.
- Q In accordance with the provisions of this article the government di rected an agent in Mississippi to register the names of all the Choctaws who wanted to remain in the old Choctaw Nation and tak e land under its provisions; the records of the government show that this agent failed to register the names of a great many Choctaws who did go before him and signify their intention to remain and take land under this article and in many cases, on this account the lands on which Choctaws

- owned improvements and which they desired reserved for them under the provisions of this article were sold by the United States government; this caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed commissions to go into the state of Mississippi and investigate these claims; these commissions investigated a number of claims, some of which they allowed and others rejected; of the claims allowed as approved by the Secretary of the Interior and the President, the Indians were given their lands; if however, Indians established their claim to land before the Commission and the land was sold by the government they were given scrip and under this scrip they were entitled to locate on vacant government land in the states of Mississippi, Louisiana, Alabama and Arkansas; did any of the Choctaw ancestors of your children own any land in either of those states? A Not that I know of.
- Q Did they ever appear before any of these commissions and attempt to establish claims to land under the provisions of this article? A I dont know.
- Q Did any of the Choctaw ancestors of these children ever receive any scrip from the government to land they had established their claim to? A I dont know.
- Q So far as you know did any of the ancestors of these children ever receive any benefits from the United States government as Choctaw Indians? A No sir; so far as I know.
- Q Were any of the ancestors of these children ever recognized as Choctaw Indians? A I dont know.
- Q Do you know of the existence of any documentary evidence, papers of any kind, that would tend to show that the ancestors of these children ever complied with or attempted to comply with the provisions of this article? A No sir.
- Q Do you know of any witnesses you could bring before this Commission to show that the ancestors of these children did comply or attempt to comply with the provisions of this article? A No sir.
- Q Have you any written evidence which you want to file in this case today? A Yes sir.

Applicant here ~~submits~~ his sworn petition which I s filed and made part of the record in this case, marked exhibit "A" for identification.

- Q Have you any witnesses you desire to introduce today in support of your application? A Yes sir.
- Q What are the names of these witnesses? A S. P. Collins.
- Q You want to ask for him to be sworn and his testimony taken in your case? A Yes sir.
- Q Is there any further statement you desire to make? A No sir.
- Q Will you give the ages of your children who are married and have families of their own as & any children you have that may be over twenty-one years of age? A I have a daughter married
- Q What is her name? A Edith McGowan.
- Q How old is she? A She will be twenty-two years of age the fourth day of next June.
- Q Is she your daughter and the daughter of Sarah Ellen Harris?
- A Yes sir.
- Q Full sister to the children you have just made application for?
- A Yes sir.
- Q Is she the mother of any children? A Yes sir
- Q Give the names and ages of these children please? A Maggie Jane.
- Q How old is she? A She's three years old - will be.

John Bunyan Harris --7.

- Q Give the names of the next child? A Bertha - two months old.  
Q Is your daughter present? A Yes sir.  
Q Do the children for whom you make application bear resemblance to her? A To my daughter? One of them does and the balance don't.  
Q Do you speak or understand the Choctaw language yourself? A No sir.  
Q Does any of your children speak or understand the Choctaw language? A No sir.  
Q Did your wife speak or understand the Choctaw language? A No sir.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of January 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 11th day of January 1902.

*Philip B. Hopkins*

Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Washington, Indian Territory, January 11, 1902.

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In the matter of the application for identification as  
Mississippi Choctaws of Samuel M. Harris et al., N.C. 4479.

In the matter of the application for identification as  
Mississippi Choctaws of Edith McGowan et al., N.C. 4480.

In the matter of the application for identification as  
Mississippi Choctaws of Schuyler G. Brown et al., N.C. 4481.

In the matter of the application for identification as  
Mississippi Choctaws of Howard S. Brown et al., N.C. 4482.

In the matter of the application for identification as  
Mississippi Choctaws of Clara Ann Cox et al., N.C. 4483.

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S. F. Collins called as a witness in behalf of the above  
entitled causes, duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A S. F. Collins.  
Q How old are you? A Be seventy-five next April.  
Q What is your post office address? A Ann Toms.  
Q How long have you lived in Toms? A Fifteen years.  
Q Where did you live before you moved to Toms? A I lived in Kentucky.  
Q Were you born in Kentucky? A Born and raised there and never lived anywhere else until I came here.  
Q Are you personally acquainted with the applicants who have made application for identification as Mississippi Choctaws in these several cases? A I have no acquaintance with any of them only since the last few days.  
Q When did that acquaintance begin? A Well Mr. Harris was out at my house one night last week and I never saw these boys until this morning, if I did it was when they were small children. About one week ago I first met Mr. Harris.  
Q Did you know in Kentucky John Shelly Brown? A Yes sir.  
Q Did you know his wife Mary J. Brown? A Yes sir.  
Q What was the maiden name of John Shelly Brown's wife? A Butler.  
Q What was her father's name? A Eben Butler.  
Q Did you know Eben Butler's father? A I saw him once or twice when I was a boy.  
Q Was he a white man or a Choctaw Indian? A Well he looked like a Choctaw Indian since I saw him, I saw a great many since, he was the first Indian I ever saw.  
Q Where did you first see him? A In Kentucky when I was about ten or twelve years old.

- Q Do you know whether he was a Choctaw, Cherokee, Chickasaw or any other kind of an Indian? A I don't know about that.
- Q Do you know whether he was a Choctaw Indian or not? A No sir I don't know what tribe he was, he did not live near me, he came to visit his son Ruben.
- Q Did you ever hear either William Butler or his son Ruben Butler say what tribe of Indians they belonged to? A I have no recollections that I ever did.
- Q Were you born about the year 1830? A Twenty seven, in April twenty-seven.
- Q Do you know whether Ruben Butler or William Butler ever resided in the State of Mississippi or not? A I do not know.
- Q When did you first become acquainted with Ruben Butler, what year? A I could not tell you. I was a boy when he moved to my neighborhood.
- Q To the best of your recollection was Ruben Butler a married man and the head of a family in the year eighteen hundred and thirty? A I don't know he had not moved to my neighborhood then.
- Q Do you know when he moved to your country? A I was a small boy.
- Q Was he a married man and had a family when he first moved there? A Yes sir.
- Q Do you know where he moved from to Kentucky? A From Cumberland and Kentucky and I don't know where they lived before coming to Cumberland.
- Q Have you any knowledge of any residence of either Ruben Butler or William Butler in the old Choctaw Nation Mississippi or Alabama in 1830? A Not at all.
- Q During your acquaintance with William Butler and Ruben Butler did you ever hear them say that they lived in the State of Mississippi at that time? A No sir I don't think that they did, I don't know that I ever spoke to William Butler in my life.
- Q Did you ever hear either Ruben Butler or William Butler say that they received land from the United States government as Choctaw Indians? A No sir.
- Q Then you have no knowledge of either William or Ruben Butler extending beyond your acquaintance with them in the State of Kentucky? A No sir.

Examination by attorney Moffin.

- Q You say you have lived here about fifteen years? A Yes sir.
- Q Came from Kentucky here? A Yes sir.
- Q What County did you live in, in Kentucky? A Russell.
- Q Did you ever hold any official position in Russell County, Kentucky? A Yes sir.
- Q What was it? A I was County Surveyor there for eight years and was County Judge for twelve years.
- Q These were the only positions you held? A Yes sir without some other little petty things.
- Q Lived there all your life? A Yes sir born and raised there.
- Q You say about one week ago was the first time you were ever acquainted with Mr. Harris? A Yes sir I think one week ago he came to my house and stayed all night and wanted to know what I knew about this matter.
- Q Are you getting anything for appearing in these applications favor and giving this testimony? A No sir.



## Examination by the Commission

- Q Did you know J. B. Harris' wife during her life time? A Yes sir, the young man here.
- Q J. B. Harris who made application for his children here this morning? A No sir.
- Q Do you know Schuyler G. Brown to be a son of John Shelby Brown and Mary Jane Brown? A No, I don't know anything about it only what they told me the last few days.
- Q You have no personal acquaintance then with the children of John Shelby Brown and Mary Jane Brown until you met these applicants a few days ago when they came to you to see you about testifying in their case? A No sir.

## Examination by attorney Heflin.

- Q You say William Butler was the first Indian you had ever seen? A Yessir.
- Q Have you seen Indians since then? A Yes, I saw hundreds of them.
- Q You think you could tell the difference in the characteristics of Indians of the different tribes? I might not; I think Chestaws are taller and more slender and not so dark as the Greeks.
- Q Have you any idea which he resembled, whether it was a Chestaw, Greek or Seminole? A William Butler was a tall and slender man and straight black hair, I think he is more like these Chestaws that I have seen.
- Q You never heard William or Ruben Butler say what kind of Indians they were? A I never heard them speak about it at all and Ruben Butler was in my neighborhood for thirty or thirty five years.
- Q It was your understanding though that they were Indians? A That is what was the talk all over the neighborhood.
- Q You say you have lived neighbors to Ruben about thirty years? A I think so about that.
- Q And you saw William Butler how many times? A Once or twice just on a visit to his son.

## Examination by the Commission

- Q Are you prepared to swear that either Ruben Butler or William Butler were Chestaw Indians? A Why no; I don't know a thing in the world about it.

Witness examined.....

J. B. Harris recalled testified as follows:

## Examination by attorney Heflin.

- Q Did you ever live in the State of Kentucky? A Yes sir.
- Q Ever see William Butler? A No sir.
- Q Did you ever see his son Ruben? A Yessir.
- Q Did Ruben Butler ever say anything to you about whether he was of Indian blood or did he have any of the features of a Chestaw? A Well I heard him say that he was Indian.
- Q Say anything about what kind of an Indian? A I don't remember hearing him say that he was Chestaw, I have heard others say that he was a Chestaw. I heard him say that he was a half blood Indian and say that he came from Mississippi when he was a boy. His father brought him when he was a boy.
- Q What County did he live in? A In Kentucky?
- Q That? A He lived in Russell County.

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- Q It has always been your understanding that they were Indians? A Yes sir.
- Q Are you prepared to swear that Susan Walker was a half blood Indian Indian? A No sir I can't say positively that he was.
- Q Your knowledge of his being a Choctaw Indian was gained from Murray's affidavit? A Yes sir.

A. Rosenwinkel, having been duly sworn on his oath stating that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case on January 11, 1908 and the above and foregoing is a full true and correct transcript of his stenographic notes in said case on said date of January 1908.

*A. Rosenwinkel*

Subscribed and sworn to before me this 10th day of January 1908.

*Charles Mitchell Wood*

Notary Public.



N O R 4470

McAlester, Indian Territory, May 21, 1902.

Samuel Houston Harris,

Bethel, Texas.

Dear Sir:

You are hereby advised that on the 25th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Schuyler Christman Brown, et al., embracing the following applications for identification as Missions-land Choctaws:

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christman Brown, et al., | N O R 4481 |
| Samuel Houston Harris, et al.,    | N O R 4470 |
| Edith Rogers, et al.,             | N O R 4480 |
| Edward Seymour Brown, et al.,     | N O R 4482 |
| Clarie Lee Cox, et al.,           | N O R 4483 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1900, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence

13  
10  
7  
10  
N E 1-4

In this case an investigation to determine the identity of Solomon  
Ophelia Brown, Ella May Brown, Elizabeth Arnold Brown, Ollie  
Lester Brown, Alice Ruth Brown, William William Brown, Samuel  
Houston Harris, Nathaniel Harris, George Washington Harris, Ella  
Charles Harris, Martha Ann Harris, James Jefferson Harris, John  
Robert Harris, Eliza Jackson, Martha Ann Jackson, Martha Jackson,  
Edward Jackson Brown, Edward Jackson Brown, William Brown, Alma  
Ore Brown, Charles Ann Cox and Beverly Cox, an applicant for  
admission to lands in the Cherokee land under the provision of  
law above quoted, and that the application for the identification  
as such should be refused, and it is so ordered.

You are further advised that the Commission has on this  
date forwarded the record in this case to the Secretary of the  
Interior for review and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

Attest: Chairman

Registered:

copy

Indian Territory, July 2, 1902.

Special Assistant Attorney

Indian Territory

Dear Sir:

You are hereby advised that on the first day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheekers of the several persons included in the consolidated case of Sawyer Grimes Brown, et al., of which decision you were advised by registered mail on the first day of May, 1902.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Date JAN 11 1902

Name S Lee below

Age

Blood F

Post Office,

Ethel Texas

Father:

John B. Harris, White,

Mother:

Sarah Ellen " <sup>Blood</sup> B. Brad  
nee Mason

Claims through

Mother

Father

John Shelby Mason Dead

Mother

Mary J. Mason Dead

nee Baxter

Application by John B. Harris

On behalf of his 7 minor children

Children:

Samuel H. Harris 16

Magdalena " 14

George Washington " 12

John Hughes " 10

Maitha Jane " 7

Thomas Jefferson " 5

John Bunyan " 3

stenographer

Clara Mitchell Wood



Choctaw MCR 4480

Edith McGowan

See MCR 4481

MCR 4480

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 11, 1902.

4480

In the matter of the application of Edith McGowan for the identification of herself and two minor children, Maggie Jane McGowan and Bertha McGowan as Mississippi Choctaws.

Applicant represented by Galloway & Heflin.

Edith McGowan being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Edith McGowan.  
Q How old are you? A I am twenty-two years old.  
Q How much Choctaw blood do you claim? A I am twenty-one, will be twenty-two ---  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q What is your post office address? A Day Texas.  
Q Is your father living? A Yes sir.  
Q What is his name? A J. B. Harris.  
Q John B., is it? A Yes sir.  
Q How old is he? A He's forty-four years old.  
Q Is your mother living? A No sir.  
Q What was her name? A Sarah Ellen.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother.  
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory or by the United States authorities? A I don't know whether she was or not.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Anderson McGowan.  
Q Is he a white man? A Yes sir.  
Q Does he make any claim to Choctaw blood? A No sir.  
Q Do you make any claim for him? A No sir.  
Q Have you any children for whom you desire to make application?  
A Yes sir.  
Q How many? A Two.  
Q Give the names and ages please? A Maggie Jane  
Q How old? A Three years old.  
Q Bertha? A Two months old.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir I think now.  
Q You would know if your name was on the Choctaw tribal rolls would'nt you? A No answer.  
Q Did you ever authorize anyone to make application for your enrollment? A No sir.  
Q This is the first application you have ever made to any authority? A Yes sir.  
Q Did any one for you in the year 1898 make application to this Commission to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 20, 1897? A I don't understand the question.

- Q Did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities by this Commission or by the United States Court for the Indian Territory? A No sir.
- Q Have you been admitted to citizenship by the Choctaw tribal authorities? A I don't know.
- Q Are you a citizen of the Choctaw Nation? A No sir I ain't.
- Q Have you been admitted to citizenship in the Choctaw Nation by this Commission? A No sir.
- Q Have you been admitted to citizenship in the Choctaw Nation by the United States Court? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory under the provisions of article fourteen of the treaty between the United States government and the Choctaw Indians concluded on September 27, 1830? A I don't know.
- Q Is J. B. Harris who just preceded you and made application for his minor children your father? A Yes sir he is.
- Q You want to make your claim the same as his? A Yes sir.
- Q Do you know anything about the treaty of 1830? A No sir.
- Q Then you don't know anything about article fourteen of that treaty? A No sir.
- Q This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country west of the Mississippi river; at the time some of the Choctaws wanted to remain in the old Choctaw Nation in Mississippi and Alabama and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose



the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That article required that in case a Choctaw elected to remain in the old Nation and desired to take lands under its provisions he should within six months from the time the treaty was ratified, the treaty being ratified on the 24th day of February 1831 go before the government agent in Mississippi and signify to him, that is tell him that he wanted to remain and take land under this article; after doing that he was entitled as head of a family to a reservation of a section of land to be bounded by sectional lines of survey; that section of land to contain 640 acres and for each child unmarried and over the age of ten years who was a member of his family he was entitled to a reservation of one half that quantity of land 320 acres and for each child under ten years of age he was entitled to one quarter section or 160 acres of land, the reservation of the children to adjoin the reservation of the parent and these reservations to include improvements owned by the head of the family at the time the treaty was made; this article required that a Choctaw who received land under this article should reside upon this land for the term of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That means that a Choctaw who elected to remain in the old Nation and took his land under this article and resided upon this land for five years did not forfeit his right of citizenship in the new Choctaw Nation Indian Territory but did forfeit any rights to claim any portion of the Choctaw annuity. Annuity was money paid by the United States government by to the Choctaw tribe of Indians annually under treaty provisions. Is that the article under which you claim your rights - that article as explained - that is the one you claim your rights under? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation Mississippi and Alabama at the time this treaty was made? A I don't know.
- Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians at that time? A No sir I don't.
- Q Do you know whether any of your Choctaw ancestors owned an improvement at that time or not? A No sir.
- Q Did any of your Choctaw ancestors ever remove from the old Choctaw Nation Mississippi or Alabama to the new Choctaw Nation Indian Territory at the time of the removal of the main portion of the Choctaw between the years 1833 and 1838?
- A I don't know.
- Q Did any of your Choctaw ancestors within six months from the 24th day of February 1831, that is the date the treaty was ratified go before the government agent in Mississippi and signify to him their intention of remaining in the old Choctaw Nation and taking land under the provisions of this article,

- Q I dont know that either.
- Q Did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians under the provisions of this article? A I dont know sir.
- Q In accordance with the provisions of this article the government directed an agent in Mississippi to register the names of all the Choctaws who desired to remain and become citizens of the states and take land under this article; the records of the government show that this agent failed to register the names of a great many Choctaws who went before him and signified their intention to remain and take lands and on account of this lands on which many Choctaws owned improvements were sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws and those complaints finally reached Congress and Congress appointed commissions to go to the state of Mississippi and investigate these claims; these commissions investigated a great many claims some of which they allowed and some of which they rejected; of the claims allowed if it was found that the lands were not sold it was given them but if it was found that lands which the Choctaws established their claim to had been sold they were given scrip in lieu of the lands that had been sold and under this scrip they were entitled to locate on vacant government land in the states of Alabama Mississippi Louisiana an Arkansas. Did any of your Choctaw ancestors own any lands in any of those states? A I dont know.
- Q Did they ever receive any scrip from the United States government through these commissions in lieu of lands that they had established their claims to? A I dont know.
- Q Do you know whether any of your Choctaw ancestors ever appeared before any of these commissions and attempted to establish claims to land under the provisions of this article? A No sir.
- Q Do you know of the existence of any documentary evidence, papers of any kind, deeds to land or patents to land that would tend to show that your Choctaw ancestors ever attempted to comply with the provisions of this article? A No sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians? A No sir.
- Q So far as you know did any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians - were they recognized by the Choctaw Indians themselves as Choctaw Indians? A Did they claim themselves Choctaws?
- Q Were they recognized by the Choctaw tribe of Indians? A I dont know what you mean.
- Q Was your grandfather considered by the Choctaw Indians themselves a Choctaw Indian or your great-grandfather? A Yes sir.
- Q How do you know he was recognized by the Choctaw Indians? A I have always been told he was.
- Q Do you know how much Choctaw blood your ancestor claimed he was possessed of? A Is that my grand father your are talking about? Q Any one of your ancestors.
- Q How much Choctaw blood did Reuben Butler or Williams Butler claim to have A Reuben Butler claimed one half and William Butler full blood.
- Q Are you the daughter of J. R. Harris? A Yes sir.
- Q Do you want the evidence given in his case by him to be considered as evidence in your case; do you want your case consolidated with his case and considered with his case? A Yes sir.
- Q You dont know of any proof or you have no personal knowledge

Edith McGowan --3.

of anything that you could get to show that your ancestors ever complied with the provisions of article fourteen of this treaty? A I have'nt no sir.

Q Then you desire to rest your case with that of your father's application for his children? A Yes sir.

Refer once is made to M. C. R. 4479 Samuel H. Harris, et al.

Q Is there any further statement you desire to make? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has auburn hair, fair complexion, grayish-blue eyes, features and appearances of a white person, does not speak or understand the Choctaw language.

Q Are you a full sister to Samuel H., Magdalena, George Wahsington Ella Hughes, Martha Jane, Thomas Jefferson and John Bunyan Harris?

A Yes sir.

Q Do you get your Choctaw blood from the same source they do?

A Yes sir.

The applicant has no knowledge of any act of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

John R. Harris being called as a witness in this case and duly sworn testified as follows:

Examination by the Commission.

Q Do you know Edith McGowan? A Yes sir.

Q Is she a daughter of yours? A Yes sir.

Q Is she a full sister to the children for whom you made application? A Yes sir.

Q Derives her Choctaw blood from the same source they do? A Yes sir.

Q Mr Harris has any relatives of your children been before this Commission and made application for identification a Mississippi Choctaws? A Not that I know of.

Applicant files her sworn petition that is marked exhibit A and made a part of the record in this case.

Clara Mitchell Wood being duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of January 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 11th day of January 1902.

*Clara Mitchell Wood*  
*Thos. Hopkins*  
Notary Public.

**Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 11, 1902.**

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**In the matter of the application for identification as  
Mississippi Choctaws of Samuel H. Harris et al., N.C. 4479.**

**In the matter of the application for identification as  
Mississippi Choctaws of Edith McGowan et al., N.C. 4480.**

**In the matter of the application for identification as  
Mississippi Choctaws of Schuyler S. Brown et al., N.C. 4481.**

**In the matter of the application for identification as  
Mississippi Choctaws of Edward S. Brown et al., N.C. 4482.**

**In the matter of the application for identification as  
Mississippi Choctaws of Clara Ann Cox et al., N.C. 4483.**

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**S. F. Collins called as a witness in behalf of the above  
entitled causes, duly sworn testified as follows:**

**Examination by the Commission**

- Q What is your name? A S. F. Collins.
- Q How old are you? A Be seventy-five next April.
- Q What is your post office address? A Anna Sims.
- Q How long have you lived in Texas? A Fifteen years.
- Q Where did you live before you moved to Texas? A I lived in Kentucky.
- Q Were you born in Kentucky? A Born and raised there and never lived anywhere else until I came here.
- Q Are you personally acquainted with the applicants who have made application for identification as Mississippi Choctaws in these several cases? A I have no acquaintance with any of them only since the last few days.
- Q When did that acquaintance begin? A Well Mr. Harris was out at my house one night last week and I never saw those boys until this morning, if I did it was when they were small children. About one week ago I first met Mr. Harris.
- Q Did you know in Kentucky John Shelby Brown? A Yes sir.
- Q Did you know his wife Mary J. Brown? A Yes sir.
- Q What was the maiden name of John Shelby Brown's wife? A Butler.
- Q What was her father's name? A Ruben Butler.
- Q Did you know Ruben Butler's father? A I saw him once or twice when I was a boy.
- Q Was he a white man or a Choctaw Indian? A Well he looked like a Choctaw Indian since I seen him, I saw a great many since, he was the first Indian I ever saw.
- Q Where did you first see him? A In Kentucky when I was about ten or twelve years old.



- Q Do you know whether he was a Choctaw, Cherokee, Chickasaw or any other kind of an Indian? A I don't know about that.
- Q Do you know whether he was a Choctaw Indian or not? A No sir I don't know what tribe he was, he did not live near me, he came to visit his son Ruben.
- Q Did you ever hear either William Butler or his son Ruben Butler say what tribe of Indians they belonged to? A I have no recollections that I ever did.
- Q Were you born about the year 1837? A Twenty seven, in April twenty-seven.
- Q Do you know whether Ruben Butler or William Butler ever resided in the State of Mississippi or not? A I do not know.
- Q When did you first become acquainted with Ruben Butler, what year? A I could not tell you. He was a boy when he moved to my neighborhood.
- Q To the best of your recollection was Ruben Butler a married man and the head of a family in the year eighteen hundred and thirty? A I don't know he had not moved to my neighborhood then.
- Q Do you know when he moved to your country? A I was a small boy.
- Q Was he a married man and had a family when he first moved there? A Yes sir.
- Q Do you know where he moved from to Kentucky? A From Cumberland Kentucky and I don't know where they lived before coming to Cumberland.
- Q Have you any knowledge of any residence of either Ruben Butler or William Butler in the old Choctaw Nation Mississippi or Alabama in 1830? A Not at all.
- Q During your acquaintance with William Butler and Ruben Butler did you ever hear them say that they lived in the State of Mississippi at that time? A No sir I don't think that they did, I don't know that I ever spoke to William Butler in my life.
- Q Did you ever hear either Ruben Butler or William Butler say that they received land from the United States government as Choctaw Indians? A No sir.
- Q Then you have no knowledge of either William or Ruben Butler extending beyond your acquaintance with them in the State of Kentucky? A No sir.

Examination by attorney Hafflin.

- Q You say you have lived here about fifteen years? A Yes sir.
- Q Came from Kentucky here? A Yes sir.
- Q What County did you live in, in Kentucky? A Russell
- Q Did you ever hold any official position in Russell County, Kentucky? A Yes sir.
- Q What was it? A I was County Surveyor there for eight years and was County Judge for twelve years.
- Q Those were the only positions you held? A Yes sir without some other little petty things.
- Q Lived there all your life? A Yes sir born and raised there.
- Q You say about one week ago was the first time you were ever acquainted with Mr. Harris? A Yes sir I think one week ago he came to my house and stayed all night and wanted to know what I knew about this matter.
- Q Are you getting anything for appearing in these applications for and giving this testimony? A No sir.

## Examination by the Commission

- Q Did you know J. B. Harris' wife during her life time? A Yes sir, the young man here.
- Q J. B. Harris who made application for his children here this morning? A No sir.
- Q Do you know Schuyler G. Brown to be a son of John Shelby Brown and Mary Jane Brown? A No, I don't know anything about it only what they told me the last few days.
- Q You have no personal acquaintance then with the children of John Shelby Brown and Mary Jane Brown until you met these applicants a few days ago when they came to you to see you about testifying in their case? A No sir.

## Examination by attorney Heflin.

- Q You say William Butler was the first Indian you had ever seen? A Yessir.
- Q Have you seen Indians since then? A Yes, I saw hundreds of them.
- Q You think you could tell the difference in the characteristics of Indians of the different tribes? I might not; I think Choctaws are taller and more slender and not so dark as the Creeks.
- Q Have you any idea which he resembled, whether it was a Choctaw, Creek or Seminole? A William Butler was a tall and slender man and straight black hair, I think he is more like those Choctaws that I have seen.
- Q You never heard William or Ruben Butler say what kind of Indians they were? A I never heard them speak about it at all and Ruben Butler was in my neighborhood for thirty or thirty five years.
- Q It was your understanding though that they were Indians? A That is what was the talk all over the neighborhood.
- Q You say you have lived neighbors to Ruben about thirty years? A I think so about that.
- Q And you saw William Butler how many times? A Once or twice just on a visit to his son.

## Examination by the Commission

- Q Are you prepared to swear that either Ruben Butler or William Butler were Choctaw Indians? A Why no; I don't know a thing in the world about it.

Witness excused.....

J. B. Harris recalled testified as follows:

## Examination by attorney Heflin.

- Q Did you ever live in the State of Kentucky? A Yes sir.
- Q Ever see William Butler? A No sir.
- Q Did you ever see his son Ruben? A Yessir.
- Q Did Ruben Butler ever say anything to you about whether he was of Indian blood or did he have any of the features of a Choctaw? A Well I heard him say that he was Indian.
- Q Say anything about what kind of an Indian? A I don't remember hearing him say that he was Choctaw, I have heard others say that he was a Choctaw. I heard him say that he was a half blood Indian and say that he came from Mississippi when he was a boy. His father brought him when he was a boy.
- Q What County did he live in? A In Kentucky?
- Q Yes? A He lived in Russell County.

- Q It has always been your understanding that they were Indians? A Yes sir.
- Q Are you prepared to swear that Ruben Taylor was a half blood Cheatan Indian? A No sir I can't say positively that he was.
- Q Your knowledge of his being a Cheatan Indian was gained from hearsay entirely? A Yes sir.

G. Rosenwinkel having been duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 22, 1902 and the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 22th day of January 1902.

*Chas. M. Hall Wood*

Notary Public.



M C R 4480

Lawrence, Indian Territory, May 21, 1908.

Edith McGowan,

Day, Texas.

Dear Madam:

You are hereby advised that on the 15th day of May, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Schuyler Christian Brown, et al., embracing the following applications for identification as Missions and Shooters:

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christian Brown, et al., | M C R 4481 |
| Samuel Houston Harris, et al.,    | M C R 4479 |
| Edith McGowan, et al.,            | M C R 4480 |
| Edward Seymour Brown, et al.,     | M C R 4482 |
| Claris Oak Cox, et al.,           | M C R 4483 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 26, 1906, (34 Stat., 495) is as follows:

"Said Commission shall have authority in determining the identity of Shooter Indians claiming rights in the Shooter lands under article fourteen of the treaty between the United States and the Shooter Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

P 112-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Solomon Christian Brown, Ezra Ray Brown, Clarence Gustaf Brown, Ellis Medford Brown, Alvin Wayne Brown, Elmer Willett Brown, Samuel Houston Harris, Madeline Harris, George Washington Harris, Ella Eugene Harris, Martha Jane Harris, Thomas Jefferson Harris, John Rufus Harris, Edith McQueen, George John McQueen, Bertha McQueen, Charles Raymond Brown, Robert Raymond Brown, Elmer Brown, Alvin Brown, Elmer Brown and the following: as the Commission is satisfied to place in the Shoshone Indian Reservation the provisions of law above quoted, and that the application for the identification of such should be returned, and it is so ordered."

You are further advised that the Commission has on this date forwarded the report in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Arthur Chairman.

Very truly,  
S. H. Brown.

COPY.

M.C.R. 4480

Muskogee, Indian Territory, July 2, 1902.

Edith McGowan,

Wey, Texas.

Dear Madam:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shooters of the several persons included in the consolidated case of Schuyler Orin Brown, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

Yours truly,

(S)

T. E. Needles.

Commissioner in Charge.

Date

JAN 11 1902

Name Edith McGowan

Age 22 Blood 1/16

Post Office, Bay, Texas

Father: John B Harris ✓

Mother: Sarah Ellen " Dead

Claims through Mother

Husband Anderson McGowan ✓  
no claim for him

Claim for self & 2 children

Children:

Maggie Jane McGowan 3

Bertha " 2 m

Stenographer

Lara Mitchell Wood

Choctaw MCR 4481

Schuyler Chrismon Brown

See MCR 4479, 4480, 4482, 4483

MCR 4481



**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

\*\*\*\*\*

In the matter of the application of Schuyler Christman Brown, et al., for identification as Mississippi Choctaws, consolidating the applications of

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christman Brown, et al., | M C R 4481 |
| Samuel Houston Harris, et al.,    | M C R 4479 |
| Edith McGowan, et al.,            | M C R 4480 |
| Edward Bayneur Brown, et al.,     | M C R 4482 |
| Charles Oma Cox, et al.,          | M C R 4483 |

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

|   |            |
|---|------------|
| Original application of Schuyler Christman Brown, et al., for identification as Mississippi Choctaws. | Page.<br>1 |
| Written Petition of Schuyler Christman Brown.   | 8          |
| Oral statement of H. P. Collins.  | 11         |
| Oral statement of J. B. Harris.   | 13         |
| Copy of marriage record between Schuyler Brown and Bern Lee.  | 15         |
| Original application of Samuel Houston Harris, et al., for identification as Mississippi Choctaws.    | 16         |
| Written petition of J. B. Harris.   | 23         |
| Oral statement of H. P. Collins.  | 25         |
| Oral statement of J. B. Harris.   | 27         |
| Original application of Edith McGowan, et al., for identification as Mississippi Choctaws.            | 29         |
| Oral statement of John B. Harris (Number 1.)  | 33         |

|   | Page. |
|---|-------|
| Written petition of Edith McGowan.  | 34    |
| Oral statement of S.P. Collins.   | 36    |
| Oral statement of John B. Harris (number 2).  | 38    |
| Original application of Edward Seymour Brown, et al., for identification as Mississippi Cheateaux.  | 40    |
| Written petition of Edward Seymour Brown.   | 46    |
| Oral statement of S.P. Collins.   | 48    |
| Oral statement of J.B. Harris.  | 50    |
| Copy of marriage record between Edward Seymour Brown and Edith McGowan.   | 52    |
| Original application of Gloria Ann Cox, et al., for identification as Mississippi Cheateaux.  | 53    |
| Written petition of C.F. Cox.   | 59    |
| Oral statement of S.P. Collins.   | 62    |
| Oral statement of J.B. Harris.  | 64    |
| Copy of marriage record between Helena Brown and C.F. Cox.  | 66    |
| Final decision of the Commission in the consolidated case of Schuyler Christensen Brown, et al., applicants for identification as Mississippi Cheateaux, refusing said application. | 67    |



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 11, 1902.

#4481

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In the matter of the application of Schuyler Chrismon Brown for the identification as Mississippi Choctaws of himself and his five minor children, Otra May, Clarence Arnold, Ollie Medford, Altie Velma and Claudie Willett Brown.

Applicant represented by Galloway & Heflin, attorneys.

Schuyler Chrismon Brown, being first duly sworn, on his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Schuyler Chrismon Brown.  
Q What is your age? A Thirty-five.  
Q How much Choctaw blood do you claim? A Eighth.  
Q What is your post office address? A Callocka, Texas.  
Q How long have you lived there? A Been there four years.  
Q Where did you live before that? A Lived in the same county north of town six mile.  
Q How long have you lived in Texas? A I have been here right at fifteen years.  
Q Where did you live before you lived in Texas? A Russell County, Kentucky.  
Q Were you born in Kentucky? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A John Shelby Brown.  
Q How old would your father be if living now? A I will have to give you the date (witness reads from paper) Born in 1845, May 4th; died May 12, 1898.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary Jane Butler, or Brown. Butler before she was married.  
Q How old would she be if living? A She was born January 10, 1847, and died November 12, 1886.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother.  
Q Where was your mother born? A Kentucky.  
Q Did she live in Kentucky all her life? A Yes sir, and died there.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Dora Lee before I married her.  
Q Her name is Dora Brown? A Yes sir.  
Q Is she a white woman? A Yes sir.  
Q Makes no claim to Choctaw blood? A No sir.  
Q You make no claim for her? A No sir.

Schuyler Chrismon Brown--2.

- Q Have you any children for whom you desire to make application?  
A Yes sir.  
Q Give the names and ages please? A Otra May Brown.  
Q How old is she? A She was born October 2, 1890.  
Q The next one? A Clarence Arnold Brown, October 27, 1892.  
Q Well? A Altie Medford Brown, November the 9th, 1894. Now that's a mistake. I have got it wrong. I have given that wrong.  
Q Well, what is it? A It is Ollie Medford.  
Q Ollie Medford is seven years old then is she? A Its a boy.  
Q Now, give the next one? A Altie Velma.  
Q How old? A Born January 9, 1897.  
Q Is that a boy or girl? A That's a girl. Claudie Willett  
Q How old? A Born May 25, 1901.  
Q Is that a girl or boy? A Girl.  
Q Are you the father of these children? A Yes sir.  
Q And Dora Brown their mother? A Yes sir.  
Q When and where were you married to your wife? A I was married in Collin County. Do you want the town and post office?  
Q What state was that in? A Texas, Collin County.  
Q Collin County; what year? A '88 or '89.  
Q Have you got the marriage license and certificate with you?  
A No sir.

It will be necessary for you to file with this Commission evidence of the marriage to your wife. You can furnish the Commission with the original marriage license and certificate, or a certified copy of it.

- Q Then this claim is for yourself and your five minor children is it? A Yes sir.  
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Is your name or the name of any of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you or anyone for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe? A No sir.  
Q Did you or anyone for you or for your minor children make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.  
Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.  
Q You appear before the Commission at this time claiming rights to the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty between the United States

Schuyler Chrismon Brown--3.

government and the Choctaw tribe of Indians concluded the 27th of September, 1830? A Yes sir.

This treaty was concluded between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to go to this new country but wanted to remain in the old Choctaw Nation, and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provisions, he should, within six months from the ratification of the treaty by Congress--Congress ratified the treaty on the 24th day of February, 1831--go before the government Agent there in Mississippi and signify to him, that is, tell him of his intention to remain and take lands under the provisions of this article. After doing that he was then entitled to a reservation of one section of land, or six hundred and forty acres, as the head of a family; and for each child in his family unmarried and over the age of ten years he was entitled to one half that quantity of land, or three hundred and twenty acres; and for each child in his family under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent and these reservations to include any improvement owned by the head of the family at the time this treaty was made--the 27th of September, 1830. This ar-

Schuyler Chrismon Brown--4.

title also required that after a Choctaw had received his lands from the government under this treaty, he should reside upon these lands for five years, after which time a title in fee simple would be given him which would enable him to dispose of the lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation and complied with the requirements of this article by taking his lands and residing upon the lands for five years, did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit any right to claim any portion of the Choctaw annuity. Annuities were moneys which were being paid annually to the Choctaw tribe of Indians by the United States government under treaty provisions.

- Q Do you think you understand that article as read and explained to you? A I think so.
- Q Now what was the name of your Choctaw ancestor who lived in the old Choctaw nation in Mississippi and Alabama at the time this treaty was made? A I don't know that he ever lived there.
- Q Don't know that any of your Choctaw ancestors lived there?
- A No sir, William Butler is my great-grandfather.
- Q You claim your Choctaw blood from your mother? A Yes sir.
- Q Now who does she get her Choctaw blood from? A From her father Reuben Butler.
- Q How much Choctaw blood did Reuben Butler have? A Half was the way I have been taught.
- Q Was your grandfather Reuben Butler married and the head of a family in 1830? A In 1830? I don't know.
- Q Did your mother have any brothers and sisters older than she?
- A Yes sir, no sister but brothers.
- Q How much older than your mother was that oldest brother?
- A Oldest brother must have been twelve or fourteen years older.
- Q Where was your grandfather and grandmother married? Reuben Butler and his wife, where were they married? Does your family history tell you? Haven't you heard where they was married?
- A They lived in Russell County, Kentucky; all that I know.
- Q Did you ever hear any of your family say where they were married? A They lived in Russell County, Kentucky. I am satisfied they was married there.
- Q Did they ever live in the state of Mississippi that you know of?
- A Not that I know of.
- Q Who did Reuben Butler get his Choctaw blood from? A From his father.
- Q What was his father's name? A William Butler.
- Q How much Choctaw blood did William Butler have? A I don't know. My understanding was that he was full blood.
- Q Was William Butler married and the head of a family at the time this treaty was made--27th of September, 1830? A I don't know.

Schuyler Chrismon Brown--5.

- Q Did any of your Choctaw ancestors reside in the old Choctaw Nation in Mississippi and Alabama in the year 1830, at the time this treaty was made? A I don't know whether they did or not.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time, or the time this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama, to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838, at the time the main portion of the Choctaws moved to the new Territory?
- A I don't know.
- Q Did any of your Choctaw ancestors, within six months from the 24th day of February, 1831, that is the date on which this treaty was ratified by Congress, appear before the government Agent in Mississippi and signify their intention of remaining in the old Choctaw Nation and taking lands under the provisions of this article? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any lands from the United States government as Choctaw Indians under the provisions of this article? A Not that I know of.

In accordance with the provisions of this fourteenth article the government directed an Agent in Mississippi to register the names of all the Choctaws who desired to remain and become citizens of the states and who wanted to take lands under this article. The records of the government show that this Agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking lands, and on this account, in many instances, lands on which Choctaws owned improvements and which they desired to reserve for them under this article, was sold by the United States government at its public land sales, and the Choctaws were dispossessed of their lands. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress, and Congress, under various Acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a number of claims, some of which they allowed, and others they rejected. Of the claims allowed, if the lands to which these Choctaws proved their rights to before these Commissions had not been sold, they were put in possession of the lands. If, however, the lands had been sold, Choctaws who had established their claims before these Commissions to such lands were given scrip in lieu of the lands that had been lost to them by having been sold at the public land sales of the government. Under this scrip they could locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors own any lands in either of these states? A No sir, not that I know of.



Schuyler Chrismon Brown--6.

- Q Did they receive any scrip from the United States government through any of these Commissions for lands that they had established their claims to under this fourteenth article? A Not that I know of.
- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish claims to lands under the provisions of this fourteenth article? A Never did.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A Not a bit.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
- Q Do you know of the existence of any written evidence, any proof of any kind such as deeds to land, patents to land, that would tend to show that any of your Choctaw ancestors ever complied with or attempted to comply with any of the provisions of this fourteenth article of the treaty? A (No answer)
- Q Do you know of any witnesses who could testify that they did comply with the provisions of this article? A No sir.
- Q Have you any witnesses you want to introduce before the Commission to-day? A One.
- Q Have you any written evidence you want to file at this time? A I have got an application that I want to file.

Applicant here files his sworn petition, which is filed, marked Exhibit "A" for identification, and made a part of the record in this case.

- Q Is there any other statement you desire to make at this time? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are you related to Edith McGowan and the children of J. B. Harris for whom applications were made to-day? A Yes sir.
- Q What relation do you bear to those people? A Me and their mother were sisters.
- Q You are a brother to their mother? A Yes sir.
- Q They get their Choctaw blood from the same source you do? A Yes sir.

Reference is made to M.C.R. 4480, Edith McGowan et al. and Samuel H. Harris et al. M.C.R. 4479.

This applicant has light brown hair, dark gray eyes, medium fair complexion, features and appearance of a person of white parentage, doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

By H. B. Heflin:

- Q You say you lived in the state of Kentucky before you came here? A Yes sir.
- Q That Reuben Butler was your grandfather? A Yes sir.
- Q What county did he live in? A Russell County.

Schuyler Christian Brown--7.

- Q You lived in Russell County? A Yes sir.  
Q Ever see him in his lifetime? A Yes sir.  
Q Talk with him? A Yes sir.  
Q Did you ever hear him state whether or not he had any mixture of blood in him? A I heard him say he was part Indian.  
Q Part Indian? A Yes sir.  
Q Do you know what kind of Indian? A I don't remember hearing him say.  
Q Ever hear him say anything about his father William Butler?  
A No sir.  
Q Never heard where William Butler came from? A No sir.  
Q What was Reuben Butler's appearance; his physical appearance; could you state? A Yes sir, he was a man resembling an Indian very much.  
Q What kind of hair did he have? A Black.  
Q You say you have heard him state that he was part Indian?  
A Yes sir.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 11th day of January, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

  
Subscribed and sworn to before me this 17th day of January, 1902.

  
Notary Public.



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 11, 1902.

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In the matter of the application for identification as  
Mississippi Choctaws of Samuel H. Harris et al., N.C. 4479.

In the matter of the application for identification as  
Mississippi Choctaws of Edith Madewen et al., N.C. 4480.

In the matter of the application for identification as  
Mississippi Choctaws of Sawyer G. Brown et al., N.C. 4481.

In the matter of the application for identification as  
Mississippi Choctaws of Edward S. Brown et al., N.C. 4482.

In the matter of the application for identification as  
Mississippi Choctaws of Clara Ann Cox et al., N.C. 4483.

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S. F. Collins called as a witness in behalf of the above  
entitled causes, duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A S. F. Collins.
- Q How old are you? A Be seventy-five next April.
- Q What is your post office address? A Anna Tanna.
- Q How long have you lived in Tanna? A Fifteen years.
- Q Where did you live before you moved to Tanna? A I lived in Kentucky.
- Q Were you born in Kentucky? A Born and raised there and never lived anywhere else until I came here.
- Q Are you personally acquainted with the applicants who have made application for identification as Mississippi Choctaws in these several cases? A I have no acquaintance with any of them only since the last few days.
- Q When did that acquaintance begin? A Well Mr. Harris was out at my house one night last week and I never saw these boys until this morning, if I did it was when they were small children, about one week ago I first met Mr. Harris.
- Q Did you know in Kentucky John Shelly Brown? A Yes sir.
- Q Did you know his wife Mary J. Brown? A Yes sir.
- Q What was the maiden name of John Shelly Brown's wife? A Butler.
- Q What was her father's name? A Nelson Butler.
- Q Did you know Nelson Butler's father? A I saw him once or twice when I was a boy.
- Q Was he a white man or a Choctaw Indian? A Well he looked like a Choctaw Indian since I seen him, I saw a great many since, he was the first Indian I ever saw.
- Q Where did you first see him? A In Kentucky when I was about ten or twelve years old.

- Q Do you know whether he was a Choctaw, Cherokee, Chickasaw or any other kind of an Indian? A I don't know about that.
- Q Do you know whether was a Choctaw Indian or not? A No sir I don't know what tribe he was, he did not live near me, he came to visit his son Ruben.
- Q Did you ever hear either William Butler or his son Ruben Butler say what tribe of Indians they belonged to? A I have no recollections that I ever did.
- Q Were you born about the year 1826? A Twenty seven, in April twenty-seven.
- Q Do you know whether Ruben Butler or William Butler ever resided in the State of Mississippi or not? A I do not know.
- Q When did you first become acquainted with Ruben Butler, what year? A I could not tell you, I was a boy when he moved to my neighborhood.
- Q To the best of your recollection was Ruben Butler a married man and the head of a family in the year eighteen hundred and thirty? A I don't know he had not moved to my neighborhood then.
- Q Do you know when he moved to your country? A I was a small boy.
- Q Was he a married man and had a family when he first moved there? A Yes sir.
- Q Do you know where he moved from to Kentucky? A From Cumberland Kentucky and I don't know where they lived before coming to Cumberland land.
- Q Have you any knowledge of any residence of either Ruben Butler or William Butler in the old Choctaw Nation Mississippi or Alabama in 1830? A Not at all.
- Q During your acquaintance with William Butler and Ruben Butler did you ever hear them say that they lived in the State of Mississippi at that time? A No sir I don't think that they did, I don't know that I ever spoke to William Butler in my life.
- Q Did you ever hear either Ruben Butler or William Butler say that they received land from the United States government as Choctaw Indians? A No sir.
- Q Then you have no knowledge of either William or Ruben Butler extending beyond your acquaintance with them in the State of Kentucky? A No sir.

Examination by attorney Heflin.

- Q You say you have lived here about fifteen years? A Yes sir.
- Q Came from Kentucky here? A Yes sir.
- Q What County did you live in, in Kentucky? A Russell
- Q Did you ever hold any official position in Russell County, Kentucky? A Yes sir.
- Q What was it? A I was County Surveyor there for eight years and was County Judge for twelve years.
- Q These were the only positions you held? A Yes sir without some other little petty things.
- Q Lived there all your life? A Yes sir born and raised there.
- Q You say about one week ago was the first time you were ever acquainted with Mr. Harris? A Yes sir I think one week ago he came to my house and stayed all night and wanted to know what I knew about this matter.
- Q Are you getting anything for appearing in these applications favor and giving this testimony? A No sir.

## Examination by the Commission

- Q Did you know J. B. Harris' wife during her life time? A Yes sir, the young man here.
- Q J. B. Harris who made application for his children here this morning? A No sir.
- Q Do you know Schuyler C. Brown to be a son of John Shelby Brown and Mary Jane Brown? A No, I don't know anything about it only what they told me the last few days.
- Q You have no personal acquaintance then with the children of John Shelby Brown and Mary Jane Brown until you met these applicants a few days ago when they came to you to see you about testifying in their case? A No sir.

## Examination by attorney Heflin.

- Q You say William Butler was the first Indian you had ever seen? A Yessir.
- Q Have you seen Indians since then? A Yes, I saw hundreds of them.
- Q You think you could tell the difference in the characteristics of Indians of the different tribes? I might not; I think Choctaws are taller and more slender and not so dark as the Creeks.
- Q Have you any idea which he resembled, whether it was a Choctaw, Creek or Seminole? A William Butler was a tall and slender man and straight black hair, I think he is more like these Choctaws that I have seen.
- Q You never heard William or Ruben Butler say what kind of Indians they were? A I never heard them speak about it at all and Ruben Butler was in my neighborhood for thirty or thirty five years.
- Q It was your understanding though that they were Indians? A That is what was the talk all over the neighborhood.
- Q You say you have lived neighbors to Ruben about thirty years? A I think so about that.
- Q And you saw William Butler how many times? A Once or twice just on a visit to his son.

## Examination by the Commission

- Q Are you prepared to swear that either Ruben Butler or William Butler were Choctaw Indians? A Why no; I don't know a thing in the world about it.

Witness excused.....

J. B. Harris recalled testified as follows:

## Examination by attorney Heflin.

- Q Did you ever live in the State of Kentucky? A Yes sir.
- Q Ever see William Butler? A No sir.
- Q Did you ever see his son Ruben? A Yessir.
- Q Did Ruben Butler ever say anything to you about whether he was of Indian blood or did he have any of the features of a Choctaw? A Well I heard him say that he was Indian.
- Q Say anything about what kind of an Indian? A I don't remember hearing him say that he was Choctaw, I have heard others say that he was a Choctaw. I heard him say that he was a half blood Indian and say that he came from Mississippi when he was a boy. His father brought him when he was a boy.
- Q What County did he live in? A In Kentucky?
- Q Yes? A He lived in Russell County.

- Q It has always been your understanding that they were Indians? A Yes sir.
- Q Are you prepared to swear that Ruben Butler was a half blood Choctaw Indian? A No sir I can't say positively that he was.
- Q Your knowledge of his being a Choctaw Indian was gained from hearsay entirely? A Yes sir.

G. Rosenwinkel having been duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 11, 1902 and the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 15th day of January 1902.

*Chas Mitchell Wood*

Notary Public.

V.I.  
J.R.B.  
C.S.W.  
W.H.B.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Schuyler Christian Brown, et al., for identification as Mississippi Choctaws, consolidating the applications of

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christian Brown, et al., | M C R 4481 |
| Samuel Houston Harris, et al.,    | M C R 4479 |
| Edith Madison, et al.,            | M C R 4480 |
| Edward Seymour Brown, et al.,     | M C R 4482 |
| Charles Gene May, et al.,         | M C R 4483 |

DECISION.

The record in the above consolidated case shows that there were, originally, five applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of Schuyler Christian Brown for the identification of himself and his five elder children, Gene May, Clarence Arnold, Edith Madison, Alvin Verna and Claude Villett Brown, as Mississippi Choctaws, taken at Muskogee, Indian Territory, January 11, 1902.

In the matter of the application for the identification of Samuel Houston Harris, Magdalene Harris, George Washington Harris, Ella Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris and John Baynes Harris, as Mississippi Choctaws, taken at Muskogee, Indian Territory, January 11, 1902.



In the matter of the application of Edith McGowan for the identification of herself and her two minor children, Maggie Jane and Bertha McGowan, as Mississippi Choctaws, taken at Muskogee, Indian Territory, January 11, 1902.

In the matter of the application of Edward Seymour Brown for the identification of himself and his three minor children, Ernest Raymond, Claude and Alma Ora Brown, as Mississippi Choctaws, taken at Muskogee, Indian Territory, January 11, 1902.

In the matter of the application for the identification of Clara Ora Cox, and Benoville Cox, as Mississippi Choctaws, taken at Muskogee, Indian Territory, January 11, 1902.

In accordance with Departmental instructions of June 10, 1901 and July 28, 1901, the Commission has consolidated these several applications into the consolidated case of Schuyler Christman Brown, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each it will be necessary to consider them in a measure separately.

Taking then in the order above named we find from the record in the case of Schuyler Christman Brown, et al., that on January 11, 1902, the said Schuyler Christman Brown appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his five minor children, Ora May, Clarence Arnold, Willie Medford, Altie Velma and Claude Willett Brown, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of

Mississippi in the year 1850 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1850, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Jane Brown (nee Butler) an alleged Choctaw (degree of blood not given) and John Shelby Brown (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Schuyler Christian Brown, and his five minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 521.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the supplemental oral statements of E. P. Collins and J. B. Harris, given at Muskogee, Indian Territory, January 11, 1902, and a certified copy of the marriage record between Schuyler Brown and Dora Lee. By the oral statement of the principal applicant it is attempted to be shown that he was born in Kentucky in about the year 1867, and it does not appear that he has ever resided in Indian Territory, and he claims to be an one eighth blood Choctaw. He attempts to



traces his alleged Choctaw descent through his mother to his grandfather, Reuben Butler, and his great grandfather, William Butler, and he expressly states that he does not know that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation in Mississippi and Alabama. He further states that his said mother was born in 1847 and that she had a brother twelve or fourteen years older than herself, so that it is apparent that her said father, Reuben Butler, was living in 1830. By the oral statement of S. P. Collins it is attempted to be shown that when living in Kentucky he knew Mary J. Brown, Reuben Butler, and William Butler, presumably the alleged Choctaw ancestors of the principal applicant herein, that they were known as Indians and that the said William Butler looked like an Indian, a Choctaw. The witness states further that he was born in 1887 and that the said Reuben Butler removed to the witness' neighborhood when the witness was a small boy, and that the said Reuben Butler was then a married man with a family. By the oral statement of J. B. Harris it is attempted to be shown that the witness has talked with Reuben Butler, presumably the grandfather of the principal applicant herein, and has heard him say that he was a half blood Indian and came from Mississippi when he was a small boy. Witness further states that he has heard others say that the said Reuben Butler was a Choctaw. There is nothing in the testimony herein to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article

fourteen of the treaty of 1830. The certified copy of the marriage record filed herewith is simply evidence of the marriage between the principal applicant and his wife and of the legitimacy of the issue thereof.

Note--There is a discrepancy between the oral statement of the principal applicant and the oral statements of the witnesses in this case as to the first name of the principal applicant's alleged grandfather, inasmuch as in the former it is given as Reuben, and in the latter as Ruben, but no doubt is entertained that both refer to one and the same person and that the former is the correct spelling.

There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of facts expected to be proven by him.

The next in order of the above applications is that of Samuel Houston Harris, et al., and the record therein shows that on January 11, 1908, one John Bunyan Harris appeared before the Commission at Muskogee, Indian Territory and there made personal application for the identification of his seven minor children, Samuel Houston, Magdalena, George Washington, Ella Hughes, Martha Jane, Thomas Jefferson and John Bunyan Harris as Mississippi Choctaws, claiming them to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". Descent is claimed for said minor children from Sarah Ellen Harris, (nee Brown) deceased, an alleged one eighth blood Choctaw and the said John Bunyan Harris who are the parents of the said minor children.

The record in this case further shows that the seven minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens

of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application embraces the oral statement of the said John Buryan Harris, given at the making of the original application herein, and the supplemental oral statements of S. P. Collins and the said John Buryan Harris, given at Muskogee, Indian Territory, January 11, 1902. By the oral statement of the said John Buryan Harris (number one) he does not attempt to show when or where his deceased wife, Sarah Ellen Harris (nee Brown), was born, but states that she claimed to be an one eighth blood Choctaw. He attempts to trace her alleged Choctaw descent through her mother, Mary Jane Brown (nee Butler) to her grandfather, Ruben Butler, and her great grandfather, William Butler, and states that the said Mary Jane Brown was born in 1847. The witness further states that he has heard the said Ruben Butler say that he once lived in the old Choctaw Nation in the state of Mississippi, but he does not state when said Ruben Butler so lived. By the supplemental oral statement of the said John Buryan Harris it is attempted to be shown that the witness has talked with Ruben Butler, presumably the grandfather of the mother (deceased) of the said minor children for whom application is made, and has heard him say that he was a half blood Indian

and came from Mississippi when he was a small boy. Witness further states that he has heard others say that the said Ruben Butler was a Choctaw. By the oral statement of S. P. Collins it is attempted to be shown that when living in Kentucky he knew Mary J. Brown, Ruben Butler, and William Butler, presumably the alleged Choctaw ancestors of the applicants herein, that they were known as Indians and that the said William Butler looked like a Choctaw. The witness states further that he was born in 1839 and that the said Ruben Butler removed to the witness' neighborhood when the witness was a small boy, and that the said Ruben Butler was then a married man with a family. There is nothing in any of the testimony which would tend to show that any of the alleged Choctaw ancestors of the minor children, for whom application is made, were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of John Bryan Harris, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Edith McGowan, et al., and the record therein shows that on January 11, 1902, the said Edith McGowan appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her two minor children, Maggie Jane and Bertha McGowan as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi-

pi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Sarah Ellen (last name not given), an alleged Choctaw (degree of blood not given) and John B. Harris (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Edith McGowan, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 521.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraced the oral statement of John B. Harris, given at the time of the making of the original application herein, and the supplemental oral statements of E. F. Collins and John B. Harris, given at Muskogee, Indian Territory, January 11, 1902. By the oral statement of the principal applicant it is attempted to be shown that she was born in about the year 1880, but she does not state where she was born, and it does not appear that she has ever resided in



Indian Territory, and she claims to be an one sixteenth blood Cheetaw. She attempts to trace her alleged Cheetaw descent through her mother to her grandfather, Reuben Butler, and her great grandfather, William Butler, both of whom she says were "considered" by the Cheetaw Indians to be Cheetaws. By the oral statement of John B. Harris (number one) it is attempted to be shown that the principal applicant herein is his daughter, and a sister of the minor children for whom he has made application for identification as Mississippi Cheetaws, and that this principal applicant derives her Cheetaw blood from the same source as the said minor children. By the oral statements of E. P. Collins it is attempted to be shown that when living in Kentucky he knew Mary J. Brown, Reuben Butler, and William Butler, presumably the alleged Cheetaw ancestors of the principal applicant herein, that they were known as Indians and that the said William Butler looked like a Cheetaw. The witness states further that he was born in 1857 and that the said Reuben Butler removed to the witness' neighborhood when the witness was a small boy, and that the said Reuben Butler was then a married man with a family. By the oral statement of John B. Harris it is attempted to be shown that the witness has talked with Reuben Butler, presumably an ancestor of the principal applicant herein, and has heard him say that he was a half blood Indian, and came from Mississippi when he was a small boy. Witness further states that he has heard others say that the said Reuben Butler was a Cheetaw. There is nothing in any of the testimony herein which would tend to show that any of the alleged Cheetaw ancestors of the principal applicant were ever recognized by the Cheetaw tribal authorities

in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Edward Seymour Brown, et al., and the record therein shows that on January 11, 1902, the said Edward Seymour Brown appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his three minor children, Ernest Raymond, Clement and Alma Ora Brown, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Jane Brown (nee Butler) an alleged Choctaw (degree of blood not given) and John Shelby Brown (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Edward Seymour Brown, and his three minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been



admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the supplemental oral statements of S. P. Collins and J. B. Harris given at Muskogee, Indian Territory, January 11, 1902, and a certified copy of the marriage record between E. S. Brown and Huldah Lee. By the oral statement of the principal applicant it is attempted to be shown that he was born in Kentucky in about the year 1869, and it does not appear that he has ever resided in Indian Territory, and he claims to be an one eighth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandfather, Reuben Butler, and his great grandfather, William Butler, who he claims was a full blood Choctaw, and lived in the old Choctaw Nation in the state of Mississippi at the time of the making of the treaty of 1830. By the supplemental oral statement of S. P. Collins it is attempted to be shown that when living in Kentucky he knew Mary J. Brown, Ruben Butler, and William Butler, presumably the alleged Choctaw ancestors of the principal applicant herein, that they were known as Indians and that the said William Butler looked like a Choctaw. The witness states further that he was born in 1827 and that the said Ruben Butler removed to the witness' neighborhood when the witness was a small boy, and that the said Ruben Butler was then a married man with a family.

By the supplemental oral statement of J. B. Harris it is attempted to be shown that the witness has talked with Ruben Butler, presumably an ancestor of the principal applicant herein, and has heard him say that he was a half blood Indian, and came from Mississippi when he was a small boy. Witness further states that he has heard others say that the said Ruben Butler was a Choctaw. There is nothing in any of the testimony herein which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as citizens of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The certified copy of the marriage record filed herewith is simply evidence of the marriage between the principal applicant and his wife, and of the legitimacy of the issue thereof. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The last in order of the above applications is that of Clarie Coo Cox, et al., and the record therein shows that on January 11, 1908, one C. F. Cox appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of his two minor children, Clarie Coo Cox and Benerville Cox, as Mississippi Choctaws, claiming them to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States

government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." Descent is claimed for these two minor children from Cynthia Helena Cox (nee Brown), deceased, an alleged one eighth blood Choctaw, and the said G. F. Cox (blood not given), the parents of these applicants.

The record in this case further shows that the two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stat., 821.)

The evidence offered in support of this application, aside from the oral statement of the said G. F. Cox, embraces the supplemental oral statements of S. P. Collins and J. B. Harris, given at Muskogee, Indian Territory, January 11, 1902, and a certified copy of the marriage record between Helena Brown and G. F. Cox. By the oral statement of G. F. Cox it is attempted to be shown that his deceased wife, the mother of the minor children applied for, was born in Kentucky in about the year 1875, and it does not appear that either she or the minor children applied for, ever resided in Indian Territory, and the degree of Choctaw blood claimed for said children is not stated. The witness attempts to trace the alleged Choctaw descent of the said children through their

mother to their ancestors, Reuben Butler and William Butler, whose relationship to the said children is not given, and states further that he has been taught that the said William Butler lived in the old Choctaw Nation at the time of the making of the treaty of 1830. By the supplemental oral statement of S. P. Collins it is attempted to be shown that when living in Kentucky he knew Mary J. Brown, Ruben Butler and William Butler, presumably the alleged Choctaw ancestors of the minor children applied for herein, that they were known as Indians and that the said William Butler looked like a Choctaw. The witness states further that he was born in 1827 and that the said Ruben Butler removed to the witness' neighborhood when the witness was a small boy, and that the said Ruben Butler was then a married man with a family. By the oral statement of J. B. Harris it is attempted to be shown that the witness has talked with Reuben Butler, presumably an ancestor of the minor children applied for herein, and has heard him say that he was a half blood Indian, and came from Mississippi when he was a small boy. Witness further states that he has heard others say that the said Ruben Butler was a Choctaw. There is nothing in any of the testimony herein which would tend to show that any of the alleged Choctaw ancestors of the minor children applied for were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The marriage record filed herewith is simply evidence of the marriage between the parents of these applicants and of the legitimacy of these

applicants. There is filed herewith the written petition of the said C. F. Cox, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

NOTE. There is a discrepancy between the oral statement of the said C. F. Cox and the copy of the marriage record filed herewith as to the full name of the alleged Choctaw mother of the applicants herein, in as much as in the former her name is given as Cynthia Helena Cox, and in the latter the first name Cynthia is omitted, but no doubt is entertained as to the identity of the bride mentioned in the said marriage record with the mother of these applicants.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the making of their original applications herein, the oral statements of the several witnesses called in support of these applications, and the documentary evidence filed by the applicants. By the evidence so submitted it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from Mary Jane Brown (nee Butler), Reuben Butler and William Butler, respectively the mother, grandfather, and great grandfather of the principal applicant in this group of consolidated cases. It appears from the evidence that the said Mary Jane Brown (nee Butler) was born in 1847, and that she had a brother twelve or fourteen years older than herself, so that it is established that the said Reuben Butler was living in 1830. Hence in order that these applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that the said Reuben Butler lived in the old Choctaw Nation in Mississippi and Alabama



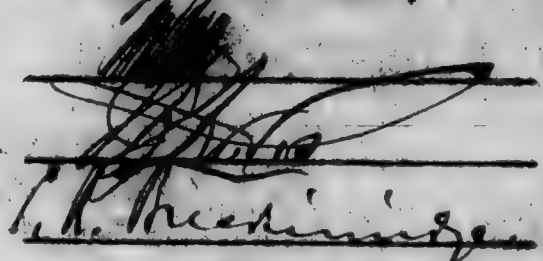
in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," as the head of a family, or that he was then the child of a recognized Choctaw head of a family who complied for him, or that he then was complied for as the orphan child of a recognized Choctaw Indian, and this the evidence entirely fails to show. Moreover it appears from the oral testimony of H. P. Collins, given in support of all the applications herein, that the witness was born in 1827, that when he was a small boy the said Reuben Butler and his father, the said William Butler, removed to the neighborhood in Kentucky where witness lived, so that it would seem altogether probable that the said Reuben Butler and said William Butler did not remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830, but rather that they removed therefrom, so that they could not have so complied. It does not appear from the records in the possession of the Commission of those persons who did comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, that any person by the name of Reuben Butler ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under said article to either of the Commissioners duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1838, (30 Stats., 497), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Schuyler Chrismon Brown, Ora May Brown, Clarence Arnold Brown, Ollie Medford Brown, Albie Velma Brown, Claude Willett Brown, Samuel Houston Harris, Magdalena Harris, George Washington Harris, Ella Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris, John Bunyan Harris, Edith McGowan, Maggie Jane McGowan, Bertha McGowan, Edward Seymour Brown, Ernest Raymond Brown, Clemmie Brown, Alma Ora Brown, Clara Ann Cox and Beneville Cox, as Choctaw Indians, entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for the identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Commissioners.

McAlester, Indian Territory,

MAY 13 1902.



Muskogee, Indian Territory, January 17, 1902.

Galloway & Heflin,

Attorneys at Law,

Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of the fifteenth instant, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of the marriage license and certificate between C. F. Cox and Helene Brown, offered in support of the application for the identification as Mississippi Choctaws of Claris Oma Cox, et al. M.C. 4483.

Certified copy of marriage license and certificate of H. B. Brown and Ruldah Lee, offered in support of the application for identification as Mississippi Choctaws of Edward Seymour Brown, et al. M.C. 4482.

Certified copy of marriage license and certificate of Schuyler Brown and Dora Lee, in support of the application for identification as Mississippi Choctaws Of Schuyler Christman Brown, et al. M.C. 4481. The same have been duly filed in the above cases.

Yours truly,

Commissioner in Charge.

(COPY)

Land  
30,746-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, May 31, 1902.

The Honorable

The Secretary of the Interior,

Sir:

There is enclosed, herewith, a report dated May 21, 1902, from T. B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the consolidated case of Schuyler Crismon Brown, et al.

The applicants in this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the Treaty of September 8, 1830.

The parties to this case are as follows:

Schuyler Crismon Brown, et al.,  
Samuel Houston Harris, et al.,  
Edith McGowan, et al.,  
Edward Bayneer Brown, et al.,  
Clarie Ann Cox, et al.

The parties to this consolidated case attempt to trace their descent from William Butler, great grandfather of the principal applicant in this consolidated case.

The descent is attempted to be traced from said William Butler, through Reuben Butler and Mary Jane Brown, nee Butler, grandfather and mother, respectively, of the principal applicants, Schuyler Crisman Brown.

May 13, 1902, the commission found that the applicants were not entitled to identification.

The office does not consider the evidence sufficient to warrant the identification of said parties and a careful search of its records relating to the parties who complied with the provisions of said treaty has been made and no record has been found showing that the alleged common ancestors complied or attempted to comply with the provisions of said treaty. This being true, the decision of the commission should be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(G.A.W.)

P.

Wichita, Indian Territory, May 21, 1902.

Galloway & Reelin,  
Attorneys at Law,  
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Christian Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |            |
|---------------------------------|------------|
| Samuel Christian Brown, et al., | N O R 2461 |
| Samuel Christian Brown, et al., | N O R 2470 |
| Edith McGowan, et al.,          | N O R 2480 |
| Edward Brown, et al.,           | N O R 2485 |
| Clarie Lee Brown, et al.,       | N O R 2490 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twelfth first section of the Act of Congress of June 28, 1900, (36 Statute 405) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

U. S. Dept.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary Ann Christian Brown, Olive May Brown, Clarence Arnold Brown, Willie Medford Brown, Elsie Viola Brown, Claudia Willett Brown, Samuel Houston Harris, Magdalena Harris, George Washington Harris, Ella Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris, John Eliyan Harris, Edith McGowan, Maggie Jane McGowan, Martha McGowan, Edward Seymour Brown, Ernest Raymond Brown, Glendie Brown, Alma Ora Brown, Clara Ora Lee, and Benaville Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for the identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Very truly,

Respectfully,  
Chairman.

Respectfully,  
Commissioner.



Muskogee, Indian Territory, May 21, 1902.

Messrs. Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Schuyler Christian Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christian Brown, et al., | M O R 4481 |
| Samuel Houston Harris, et al.,    | M O R 4478 |
| Edith McGowan, et al.,            | M O R 4480 |
| Edward Seymour Brown, et al.,     | M O R 4482 |
| Clarie Osa Cox, et al.,           | M O R 4483 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

M. Mak. & Co.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Solomon Christman Brown, Otha May Brown, Clarence Arnold Brown, Ellie Medford Brown, Altie Velma Brown, Gladie Willett Brown, Samuel Houston Harris, Magdalena Harris, George Washington Harris, Ella Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris, John Bryson Harris, Edith McQueen, Maggie Jane McQueen, Bertha McQueen, Edward Seymour Brown, Ernest Raymond Brown, Gladie Brown, Alma Ora Brown, Claris Ora Cox and Boneville Cox, as Choctaw Indians entitled to rights in the Phoenix lands under the provision of law above quoted, and that the application for the identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.



M C R 4481

Wahkiakum, Indian Territory, May 31, 1902.

Samuel Christian Brown,

Gullocks, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Christian Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |            |
|---------------------------------|------------|
| Samuel Christian Brown, et al., | M C R 4481 |
| Samuel Gordon Harris, et al.,   | M C R 4479 |
| Edith Houston, et al.,          | M C R 4480 |
| Edward Raymond Brown, et al.,   | M C R 4482 |
| Clara Ann Cox, et al.,          | M C R 4483 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 23, 1900, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Samuel

S C B-2

Chrissan Brown, Ora May Brown, Clarence Arnold Brown, Ollie  
Medford Brown, Altie Velma Brown, Claudie Willett Brown, Samuel  
Houston Harris, Magdalena Harris, George Washington Harris, Ella  
Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris, John  
Bunyan Harris, Edith McGowan, Maggie Jane McGowan, Bertha McGowan,  
Edward Seymour Brown, Ernest Raymond Brown, Claude Brown, Alma  
Ora Brown, Claris Osa Cox and Boneville Cox as Choctaw Indians  
entitled to rights in the Choctaw lands under the provision of  
law above quoted, and that the application for the identification  
as such should be refused, and it is so ordered."

You are further advised that the Commission has on this  
date forwarded the record in this case to the Secretary of the  
Interior for review and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M O R 4481.

Muskogee, Indian Territory, May 21, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Schuyler Christman Brown, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 15, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christman Brown, et al., | M O R 4481 |
| Samuel Houston Harris, et al.,    | M O R 4479 |
| Edith McGowan, et al.,            | M O R 4480 |
| Edward Seymour Brown, et al.,     | M O R 4482 |
| Clarie Oma Cox, et al.,           | M O R 4483 |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation have

Secretary of the Interior-2

been duly advised by letter of the Action of the Commission, copies  
of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 Enclosure.

Miss. Choctaw 4481

Muskogee, Indian Territory, May 28, 1902.

Galloway & Keflin,

Attorneys at Law,

Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 24, in regard to the applications of Schuyler Chrismon Brown, et al. as Mississippi Choctaws, and stating that you did not understand that these cases would be closed without further notice to you, as you had other evidence which you wished to submit. You also ask that the Brooks cases be held up until you can secure the additional evidence you desire to offer therein, and ask for thirty days' notice of the time of closing same.

In reply to your letter you are advised that you do not state specifically the cases you refer to as the Brooks cases, and it is therefore impossible to give you any definite information with reference to the status of the cases.

Relative to the application of Schuyler Chrismon Brown, et al. for identification as Mississippi Choctaws, you are advised that on May 12, 1902, the Commission rendered its decision refusing the several applications for identification as Mississippi Choctaws con-



solidated therewith. In reviewing the evidence offered in support of these applications, said decision reads as follows:

"The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the making of their original applications herein, the oral statements of the several witnesses called in support of these applications, and the documentary evidence filed by the applicants. By the evidence so submitted it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from Mary Jane Brown (nee Butler), Reuben Butler and William Butler, respectively the mother, grandfather, and great grandfather of the principal applicant in this group of consolidated cases. It appears from the evidence that the said Mary Jane Brown (nee Butler) was born in 1847, and that she had a brother twelve or fourteen years older than herself, so that it is established that the said Reuben Butler was living in 1830. Hence in order that these applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that the said Reuben Butler lived in the old Choctaw Nation in Mississippi and Alabama in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", as the head of a family, or that he was then the child of a recognized Choctaw head of a family who complied for him, or that he then was complied for as the orphan child of a recognized Choctaw Indian, and this the evidence entirely fails to show. Moreover it appears from the oral testimony of S. P. Collins, given in support of all the applications herein, that the witness was born in 1827, that when he was a small boy the said Reuben Butler and his father, the said William Butler, removed to the neighborhood in Kentucky where witness lived, so that it would seem altogether probable that the said Reuben Butler and said William Butler did not remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830, but rather that they removed therefrom, so that they could not have so complied. It does not appear from the records in the possession of the Commission of those persons who did comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, that any person by the name of Reuben Butler ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims."

G.A.N. 3

It would not appear, therefore, that any other evidence which you might offer in support of this consolidated case could materially affect the rights of these applicants.

You are further advised that in these Mississippi Choctaw cases, where a reasonable length of time has elapsed since the making of the applications, and a sufficient amount of evidence has been adduced to enable the Commission to determine the rights of the applicants, the cases are taken up for consideration and passed upon without notice to the applicants or their attorneys.

Yours truly,

Commissioner in Charge.



Miss. Choctaw 3307  
Miss. Choctaw 4481

Muskogee, Indian Territory, June 3, 1902.

Salloway & Haffin,  
Attorneys at Law,  
Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 29, giving the names of petitioners of the Brooks cases, and asking to be advised in advance when the same will be taken up for consideration. You also desire to have additional time granted in which to introduce evidence in the application of Schuyler Christian Brown, et al.

In reply to your letter you are informed that as you were advised in a previous letter, where a reasonable time has elapsed since the date of the original application, and a sufficient amount of testimony has been offered to enable the Commission to determine the rights of the applicants, these Mississippi Choctaw cases are taken up for consideration and decision rendered without notice to either applicants or attorneys.

Relative to that part of your letter referring to the case of Schuyler Christian Brown, et al. your attention is invited to the opinion of the Assistant Attorney General in regard to "Mississippi Choctaws", as follows:

"There is no dispute from the conclusion that the provisions

G & H 2

"There is no escape from the conclusion that the provision in the act of June 22, 1830, contemplated the identification of only those --

"Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty."'

The name of the alleged Choctaw ancestor of the applicant, Schuyler Christian Brown, not appearing upon the lists of those Choctaw Indians who were beneficiaries under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, the Commission was without authority to identify this applicant as a Choctaw Indian entitled to rights in the Choctaw lands under the said fourteenth article of the Choctaw treaty of 1830, and no further evidence is desired in this case.

Yours truly,

Acting Chairman.

(19508-1902-D.C.No.)

(COPY)

J.V.H.  
CMR

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 3418-1902.

June 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

May 21, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Schuyler Crismon Brown for himself and his five minor children, Otra May, Clarence Arnold, Ollie Medford, Altie Velma, and Claudie Willett Brown; of Samuel Houston Harris, Magdalena Harris, George Washington Harris, Ella Hughes Harris, Martha Jane Harris, Thomas Jefferson Harris, and John Bryan Harris; of Edith McGowan for herself and her two minor children, Maggie Jane, and Bertha McGowan; of Howard Seymour Brown for himself and his three minor children, Ernest Raymond, Glennie, and Alma Ora Brown; and of Clara Ora Cox, and Boneville Cox.

The parties in this consolidated case attempt to trace their descent from William Butler, through Reuben Butler and Mary Jane Brown (nee Butler), great grandfather, grandfather, and mother, respectively, of the principal applicant, Schuyler Crismon Brown.

May 13, 1902, you refused the applications, and the Acting Commissioner of Indian Affairs forwarded your decision of May 31, 1902, recommending that the same be approved.

The whole record fails to show that any part of the appli-

case was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1827 (5 Stat., 180), and August 23, 1846 (6 Stat., 513).

The Department, upon review of the whole case, approves your action, and your decision is affirmed.

Copy of the report of the Acting Commissioner of Indian Affairs is inclosed.

Respectfully,

F.L. Campbell,

Acting Secretary. E.M.D.

1 inclosure.

COPY.

M.C.R. 4481

Enkeogee, Indian Territory, July 2, 1902.

Schuyler Crisman Brown,

Galleska, Texas.

Dear Sir:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Schuyler Crisman Brown, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

Yours truly,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.



COPY.

H.C.R. 4481

Muskogee, Indian Territory, July 2, 1902.

Messrs. Hanefield, McMurtry & Gernish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Schuyler Crismon Brown, et al., of which decision you were advised by mail on the 21st day of May, 1902.

Yours truly,

(SIGNED)

*T. B. Needles*

Commissioner in Charge.

COPY.

M.C.R. 4481

Mustang, Indian Territory, July 2, 1908.

Galloway & Heflin,  
Attorneys at Law,  
Sherman, Texas.

Gentlemen:-

You are hereby advised that on the 31st day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Subyles Oriskany Brown, et al., of which decision you were advised by registered mail on the 31st day of May, 1908.

Yours truly,

(SIGNED)

*I. B. Neelies*

Commissioner in Charge.



Consolidated Case  
of  
Schuyler Chrisman Brown  
et al

M.C.R-4481

| FATHERS TRIBAL ENROLLMENT |      | FATHERS OWNED | NAME |        | DOW |
|---------------------------|------|---------------|------|--------|-----|
| YEAR                      | TOWN |               | NO.  | MOTHER |     |

FREEDMEN ROLL.

William Butler, f.b.?



Reuben Butler, 1/2 Dead  
wife  
(not given)

Mary Jane Butler, 1/2 Dead  
married  
John Shelby Brown, W. Dead

Sarah Ellen Brown, 18 Dead  
married  
John Bunyan Harris, W.

Schuyler Chrisman Brown, 35, 18  
married  
Dora Lee W.

Edward Seymour Brown, 33, 18  
married  
Hulda Lee, W.

Cynthia Helena Brown, 18 Dead  
married  
L. F. Cox, W.

Edith Harris, 22, 16  
married  
Anderson McGowan

Maggie Jane McGowan, 3  
Bertha McGowan 2 mos

Samuel Houston Harris, 16  
Magdalena Harris, 14  
George Washington Harris, 12  
Ella Hughes Harris, 10  
Martha Jane Harris, 7  
Thomas Jefferson Harris, 5  
John Bunyan Harris, 3

Otha May Brown, 11  
Clarence Arnold Brown, 9  
Ollie Medford Brown, 7  
Altie Velma Brown, 4  
Claudie Willett Brown, 8 mos

Ernest Raymond Brown, 9  
Clemmie Brown, 5  
Alma Ora Brown, 3

Clarie Oma Cox, 7  
Bonnie Cox, 4

No. 4481

For Identification as a Mississippi Choctaw.

Date JAN 11 1902

Name *Snyder Chriemon Brown*

Age 35 Blood  $\frac{1}{8}$

Post Office, *Culleoka Texas*

Father: *John Shelby Brown Bras*

Mother: *Mary Jane Brown Bras*

Claims through *Mother*  
*wife*

*Dora Brown*  
no claim for wife ✓

Claims for self & 5 Children

Children:

*Otra May Brown* 11

*Clarence Arnold* " 9

*Ollie*  
~~*Alto*~~ *Medford* " (m) 7

*Altie Velma* " (f) 4

*Claudia Willitt* " f 8 m

Stenographer *Ally McMillan*

Choctaw MCR 4482

Edward Seymour Brown

See MCR 4481

MCR 4482

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 11, 1902.

#4482.

-----000-----

In the matter of the application of Edward Seymour Brown for the identification of himself and his three minor children, Ernest Raymond, Clemmie and Alma Ora Brown, as Mississippi Choctaws.

Applicant represented by Galloway & Heflin, attorneys.

Edward Seymour Brown, being first duly sworn, on his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Edward Seymour Brown.  
Q What is your age? A Thirty-three.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q What is your post office address? A Abilene, Texas.  
Q How long have you lived there? A Couple of months.  
Q How long have you lived in Texas? A About fourteen years.  
Q Where did you live before you lived in Texas? A Kentucky.  
Q Were you born in Kentucky? A Yes sir.  
Q Is your father living? A Dead.  
Q What was his name? A John Shelby Brown.  
Q How old would your father be if living now? A About fifty-six I think.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary Jane Butler, before she married.  
Q How old would she be if living now? A Fifty-four.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.  
Q Where was your mother born? A Kentucky, I think.  
Q Where did she die? A Kentucky.  
Q Ever live anywhere else except in the state of Kentucky?  
A No sir.  
Q Ever lived in the state of Mississippi? A Not that I know of.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Hulda Brown; Hulda Lee before I married her.  
Q Is she a white woman? A Yes sir.  
Q Does she make any claim to Choctaw blood? A None whatever.  
Q Do you make any claim for her? A No sir.  
Q Have you any children for whom you desire to make application at this time? A Yes sir, I have three.  
Q Give the names and ages of those children please, commencing with the eldest? A Ernest Raymond Brown nine years old.  
Q All right sir? A Clemmie Brown, five.

Edward Seymour Brown--2.

- Q Is that a boy or girl? A Girl. Alma Ora, three.
- Q Is that a girl? A Yes sir.
- Q You the father of these children? A Yes sir.
- Q Hulda Brown their mother? A Yes sir.
- Q They live with you do they? A Yes sir.
- Q Then this claim is for yourself and three minor children?
- A Yes sir.
- Q Was your mother ever recognized or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States?
- A Not that I know of.
- Q Is your name or the names of any of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you or for your children in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir, did not.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or for your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Have not.
- Q Do you appear before the Commission at this time claiming rights in the lands of the Choctaw Nation, Indian Territory, for yourself and these minor children, under the provisions of article fourteen of the treaty between the United States government and the Choctaw Indians concluded in Mississippi on the 27th of September, 1830? A Yes sir, I do.

This treaty was concluded at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830, between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to remove to this new country but wanted to remain in the old Choctaw Nation. For the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be



Edward Seymour Brown--3.

bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provisions, he should, within six months from the date of the ratification of the treaty--Congress ratified the treaty on the 24th day of February, 1831--signify to the government Agent there, that is, tell him in some way that he wanted to remain in the old Nation and he wanted to become a citizen of the states and that he wanted to accept lands under the provisions of this article. After doing that he was entitled to a reservation of one section or six hundred and forty acres of land; and for each child in his family over the age of ten years and unmarried he was entitled to one half that quantity; and for each child under ten years of age he was entitled to a quarter section or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent and these reservations to include any improvement owned by the head of the family at the time the treaty was made--September 27th, 1830. This article also required that after a Choctaw had received his lands from the United States government as a Choctaw Indian, he should reside upon said lands for five years, after which time the government would give him a title in fee simple enabling him to dispose of the lands at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that Choctaws who remained in the old Choctaw Nation and complied with the requirements of this article by taking lands and residing upon those lands for five years, did not forfeit their right to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit any right to claim any portion of the Choctaw annuity. Annuity was money being paid annually to the Choctaw Indians by the United States government under treaty provisions.

- Q Do you think you understand that article as read and explained to you? A Yes sir, I think I do.
- Q What was the name of your ancestor who lived in Mississippi in the old Choctaw Nation at the time this treaty was made?
- A William Butler.



Edward Seymour Brown--4.

- Q Was William Butler married and the head of a family at that time? A I couldn't tell you.
- Q You claim your Choctaw blood from your mother Mary Jane Brown; who did she get her Choctaw blood from? A Her father.
- Q What was his name? A Reuben Butler.
- Q How much Choctaw blood did Reuben Butler have? A Claimed half.
- Q Who did Reuben Butler get his Choctaw blood from? A His father.
- Q What's his name? A William Butler.
- Q How much Choctaw blood did William Butler have? A Supposed to be all.
- Q What does that "all" mean? A Full blood.
- Q Was Reuben Butler married and the head of a family in 1830?
- Q I couldn't tell you.
- Q Can you give the name of your Choctaw ancestor who was married and the head of a family, and who resided in the old Choctaw Nation in Mississippi and Alabama the 27th of September, 1830, at the time this treaty was made? A In answering that question in the affirmative I would answer that he was married?
- Q I asked which one of your ancestors was married and the head of a family and lived in the old Choctaw nation in Mississippi and Alabama at the time this treaty was made, 27th of September, 1830? A I couldn't tell that either. One of them was married.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was made?
- A Not that I knew of.
- Q Did any of your Choctaw ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama at that time? A Not that I know of.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw nation, Indian Territory, between the years 1833 and 1838, at the time of the removal of the main portion of the Choctaws to the new country? A No sir, I could not tell you that.
- Q Did any of your Choctaw ancestors within six months from the ratification of this treaty, that is, within six months from the 24th day of February, 1831, go before the United States Agent in Mississippi and signify their intention of remaining in the old Choctaw nation and taking lands under the provisions of this article? A Not that I knew of.
- Q Did any of your Choctaw ancestors ever claim or receive any lands from the United States government under the provisions of this article fourteen? A Not that I knew of.

In accordance with the provisions of this article the government directed an Agent in Mississippi to register the names of all Choctaws who desired to remain and become citizens of the states and who wanted to take lands under the provisions of article fourteen. The records show that this Agent failed to register the names of a great many Choctaws who really did signify their intention to him of remaining and taking lands, and on this account, in many instances, the lands on which Choctaws had improvements and which they desired to reserve for them under this article, was sold by the government at its public land sales and the Choctaws were dis-

Edward Seymour Brown--5.

possessed of their lands. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress, under various acts, appointed Commissions to go into the State of Mississippi and investigate these claims. These Commissions investigated a number of claims, allowing some and rejecting others. Of the claims allowed, if the lands had not been sold the Indians were given them. If, however, the lands had been sold and the Indians established their claims to them before these Commissions, they were given scrip and under this scrip they could locate on vacant government lands in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of your Choctaw ancestors receive any scrip from the United States government through these Commissions for lands which they had established their claims to under this article?  
A Couldn't tell you.
- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish their claims to lands under this fourteenth article? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A No sir, I don't know if they ever did.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A How is that question.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
- Q Do you know of the existence of any documentary evidence--I mean by that written evidence, any papers of any kind, deeds to lands, or patents to lands, that would tend to show that any of your Choctaw ancestors ever complied with or attempted to comply with the provisions of this article fourteen? A No sir. Don't know of any.
- Q Do you know of any witnesses that you could bring before the Commission to testify that any of your Choctaw ancestors did comply with the provisions of this article fourteen? A No sir.
- Q Have you any written evidence to offer in support of your case at this time; any papers you want to file? A I have only my application.

Applicant here offers his sworn petition which is filed, marked Exhibit "A" for identification, and made a part of the record in this case.

- Q Is there any further statement you desire to make in connection with your case to-day? A No sir.
- Q Do you speak or understand the Choctaw language? A Do not.

This applicant has dark brown hair, dark gray eyes, medium fair complexion, features and appearance of a person of white parentage, doesn't speak or understand the Choctaw language and knows of no act of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Edward Seymour Brown--6.

- Q What relation are you to Schuyler Christman Brown who has just preceded you? A Brother.  
Q What relation are you to Edith McGowan? A Her uncle.  
Q What relation are you to the children of John B. Harris?  
A I am their uncle also.

Reference is made to N.C.R. 4479, Samuel H. Harris et al.; N.C.R. 4480, Edith McGowan et al.; N.C.R. 4481, Schuyler C. Brown et al.

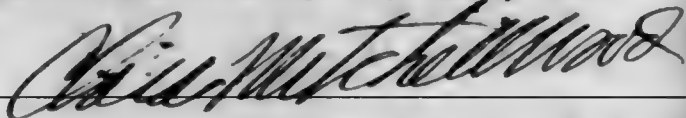
By attorney Heflin:

- Q You say you claim your Indian blood from your mother Mary J.?  
A Yes sir.  
Q Did you ever hear her say anything as to whether she was part Indian? A Yes sir, I have.  
Q What did she say? A I have always heard that she was quarter Indian.  
Q It has been your understanding that she was part Indian?  
A Yes sir.  
Q She lived in the state of Kentucky? A Yes sir.  
Q You knew Reuben Butler in his lifetime? A Yes sir.  
Q Ever hear him say whether he was Indian? A Yes sir, heard him say he was part Indian.  
Q It was your understanding from him that he was part Indian?  
A Yes sir.  
Q Hear him say anything about his father William Butler?  
A Never did.  
Q Ever hear him say anything about where he came from--his father came from? A No sir.  
Q Always lived in Kentucky when you knew him? A Yes sir, all the time I knew him.

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Albert C. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 11th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 17th day of January, 1902.



Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, January 11, 1902.

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In the matter of the application for identification as  
Mississippi Choctaws of Samuel E. Harris et al., N.C. 4479.

In the matter of the application for identification as  
Mississippi Choctaws of Edith McSwain et al., N.C. 4480.

In the matter of the application for identification as  
Mississippi Choctaws of Schuyler S. Brown et al., N.C. 4481.

In the matter of the application for identification as  
Mississippi Choctaws of Edward S. Brown et al., N.C. 4482.

In the matter of the application for identification as  
Mississippi Choctaws of Clara Ann Cox et al., N.C. 4483.

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S. F. Collins called as a witness in behalf of the above  
entitled causes, duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A S. F. Collins.
- Q How old are you? A Be seventy-five next April.
- Q What is your post office address? A Anna Toms.
- Q How long have you lived in Toms? A Fifteen years.
- Q Where did you live before you moved to Toms? A I lived in Kentucky.
- Q Were you born in Kentucky? A Born and raised there and never lived anywhere else until I came here.
- Q Are you personally acquainted with the applicants who have made application for identification as Mississippi Choctaws in these several cases? A I have no acquaintance with any of them only since the last few days.
- Q When did that acquaintance begin? A Well Mr. Harris was out at my house one night last week and I never saw these boys until this morning, if I did it was when they were small children. About one week ago I first met Mr. Harris.
- Q Did you know in Kentucky John Shelby Brown? A Yes sir.
- Q Did you know his wife Mary J. Brown? A Yes sir.
- Q What was the maiden name of John Shelby Brown's wife? A Butler.
- Q What was her father's name? A Robert Butler.
- Q Did you know Robert Butler's father? A I saw him once or twice when I was a boy.
- Q Was he a white man or a Choctaw Indian? A Well he looked like a Choctaw Indian since I knew him, I saw a great many since, he was the first Indian I ever saw.
- Q Where did you first see him? A In Kentucky when I was about ten or twelve years old.

- Q Do you know whether he was a Cheetaw, Cherokee, Chickasaw or any other kind of an Indian? A I don't know about that.
- Q Do you know whether was a Cheetaw Indian or not? A No sir I don't know what tribe he was, he did not live near me, he came to visit his son Ruben.
- Q Did you ever hear either William Butler or his son Ruben Butler say what tribe of Indians they belonged to? A I have no recollections that I ever did.
- Q Were you born about the year 1837? A Twenty seven, in April twenty-seven.
- Q Do you know whether Ruben Butler or William Butler ever resided in the State of Mississippi or not? A I do not know.
- Q When did you first become acquainted with Ruben Butler, what year? A I could not tell you, I was a boy when he moved to my neighborhood.
- Q To the best of your recollection was Ruben Butler a married man and the head of a family in the year eighteen hundred and thirty? A I don't know he had not moved to my neighborhood then.
- Q Do you know when he moved to your country? A I was a small boy.
- Q Was he a married man and had a family when he first moved there? A Yes sir.
- Q Do you know where he moved from to Kentucky? A From Cumberland Kentucky and I don't know where they lived before coming to Cumberland land.
- Q Have you any knowledge of any residence of either Ruben Butler or William Butler in the old Cheetaw Nation Mississippi or Alabama in 1830? A Not at all.
- Q During your acquaintance with William Butler and Ruben Butler did you ever hear them say that they lived in the State of Mississippi at that time? A No sir I don't think that they did, I don't know that I ever spoke to William Butler in my life.
- Q Did you ever hear either Ruben Butler or William Butler say that they received land from the United States government as Cheetaw Indians? A No sir.
- Q Then you have no knowledge of either William or Ruben Butler extending beyond your acquaintance with them in the State of Kentucky? A No sir.

Examination by attorney Heflin.

- Q You say you have lived here about fifteen years? A Yes sir.
- Q Came from Kentucky here? A Yes sir.
- Q What County did you live in, in Kentucky? A Russell
- Q Did you ever hold any official position in Russell County, Kentucky? A Yes sir.
- Q What was it? A I was County Surveyor there for eight years and was County Judge for twelve years.
- Q These were the only positions you held? A Yes sir without some other little petty things.
- Q Lived there all your life? A Yes sir born and raised there.
- Q You say about one week ago was the first time you were ever acquainted with Mr. Harris? A Yes sir I think one week ago he came to my house and stayed all night and wanted to know what I knew about this matter.
- Q Are you getting anything for appearing in these applications favor and giving this testimony? A No sir.



Examination by the Commission

- Q Did you know J. B. Harris' wife during her life time? A Yes sir, the young man here.
- Q J. B. Harris who made application for his children here this morning? A No sir.
- Q Do you know Schuyler G. Brown to be a son of John Shelby Brown and Mary Jane Brown? A No, I don't know anything about it only what they told me the last few days.
- Q You have no personal acquaintance then with the children of John Shelby Brown and Mary Jane Brown until you met these applicants a few days ago when they came to you to see you about testifying in their case? A No sir.

Examination by attorney Heflin.

- Q You say William Butler was the first Indian you had ever seen? A Yes sir.
- Q Have you seen Indians since then? A Yes, I saw hundreds of them.
- Q You think you could tell the difference in the characteristics of Indians of the different tribes? I might not; I think Cheetaws are taller and more slender and not so dark as the Creeks.
- Q Have you any idea which he resembled, whether it was a Cheetaw, Creek or Seminole? A William Butler was a tall and slender man and straight black hair, I think he is more like those Cheetaws that I have seen.
- Q You never heard William or Ruben Butler say what kind of Indians they were? A I never heard them speak about it at all and Ruben Butler was in my neighborhood for thirty or thirty five years.
- Q It was your understanding though that they were Indians? A That is what was the talk all over the neighborhood.
- Q You say you have lived neighbors to Ruben about thirty years? A I think so about that.
- Q And you saw William Butler how many times? A Once or twice just on a visit to his son.

Examination by the Commission

- Q Are you prepared to swear that either Ruben Butler or William Butler were Cheetaw Indians? A Why no; I don't know a thing in the world about it.

Witness excused.....

J. B. Harris recalled testified as follows:

Examination by attorney Heflin.

- Q Did you ever live in the State of Kentucky? A Yes sir.
- Q Ever see William Butler? A No sir.
- Q Did you ever see his son Ruben? A Yes sir.
- Q Did Ruben Butler ever say anything to you about whether he was of Indian blood or did he have any of the features of a Cheetaw? A Well I heard him say that he was Indian.
- Q Say anything about what kind of an Indian? A I don't remember hearing him say that he was Cheetaw, I have heard others say that he was a Cheetaw. I heard him say that he was a half blood Indian and say that he came from Mississippi when he was a boy. His father brought him when he was a boy.
- Q What County did he live in? A In Kentucky?
- Q Yes? A He lived in Russell County.

- Q It has always been your understanding that they were Indians? A Yes sir.
- Q Are you prepared to swear that Nelson Butler was a half blood Cherokee Indian? A No sir I can't say positively that he was.
- Q Your knowledge of his being a Cherokee Indian was gained from testimony entirely? A Yes sir.

E. Rosenwinkel having been duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 11, 1902 and the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*E. Rosenwinkel*

Subscribed and sworn to before me this 10th day of January 1902.

*Charles Mitchell Ward*

Notary Public.



Muskogee, Indian Territory, January 17, 1902.

Galloway & Woffin,

Attorneys at Law,

Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of the fifteenth instant, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of the marriage license and certificate between O. F. Cox and Helena Brown, offered in support of the application for the identification as Mississippi Choctaws of Clarie Mae Cox, et al. M.C. 4483.

Certified copy of marriage license and certificate of E. E. Brown and Edith Lee, offered in support of the application for identification as Mississippi Choctaws of Edward Seymour Brown, et al. M.C. 4482.

Certified copy of marriage license and certificate of Schuyler Brown and Bern Lee, in support of the application for identification as Mississippi Choctaws of Schuyler Christian Brown, et al. M.C. 4481. The same have been duly filed in the above cases.

Yours truly,

Wardlaw, Indian Territory, May 31, 1902.

Edward Seymour Brown:

Abilene, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Schuyler Christian Brown, et al., embracing the following applications for identification as Mississippian Choctaws:

|                                   |            |
|-----------------------------------|------------|
| Schuyler Christian Brown, et al., | M O R 4481 |
| Samuel Houston Harris, et al.,    | M O R 4478 |
| Edith McGowan, et al.,            | M O R 4480 |
| Edward Seymour Brown, et al.,     | M O R 4482 |
| Glenn One Cox, et al.,            | M O R 4483 |

Said decision after a review of the evidence submitted concludes as follows:

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Schuyler

2 6 1-2

Christian Brown, Sara May Brown, Clarence Arnold Brown, Ollie  
Nettens Brown, Allie Alma Brown, Gladie Willett Brown, Samuel  
Houston Harris, Magdalena Harris, George Washington Harris, Ella  
Hudson Harris, Martha Jane Harris, Thomas Jefferson Harris, John  
Burton Harris, Edith McGowan, Maggie Jane McGowan, Bertha McGowan,  
Edward Seymour Brown, Ernest Raymond Brown, Glenzie Brown, Alma  
Ora Brown, Claris Ora Cox and Boneville Cox, as Choctaw Indians  
entitled to rights in the Choctaw Lands under the provision of  
law above quoted, and that the application for their identification  
as such should be refused, and it is so ordered.

You are further advised that the Commission has on this  
date forwarded the record in this case to the Secretary of the  
Interior for review and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

RECORDED  
INDEXED

COPY.

M.C.R. 4428

Muskogee, Indian Territory, July 2, 1902.

Edward Seymour Brown,

Abilene, Texas.

Dear Sir:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Schuyler Grimson Brown, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Identification as a Mississippi Claimant

Date JAN 11 1902

Name Edward Hymeur Brown

Age 33 Blood 1/8

Post Office, Abilene Texas

Father: John Shelby Brown

Mother: Mary Jane Brown

Claims through Mother

Wife: Hulda Brown  
no claim for wife

Claims for self & 3 children

Children:

Ernest Raymond Brown 9

Hermie " (7) 5

Alma Ora " (4) 3

Stenographer A. J. Millan



Choctaw MCR 4483

Clariss Omo Cox

See MCR 4481

MCR 4483

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY, JANUARY 11, 1902.

4450.

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In the matter of the application of G. F. Cox for the identification of his two minor children, Claris One and Boneyville Cox, as Mississippi Choctaws.

Applicants represented by Galloway & Haffin, attorneys.

G. F. Cox, being first duly sworn, on his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A G. F. Cox.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A Roland, Texas.  
Q You desire to make application for your minor children?  
A Yes sir.  
Q What are the names and ages of these children? A The eldest one is Claris One.  
Q How old? A Seven years old.  
Q How the next one? A Next one is Boneyville.  
Q Is that a girl or boy? A Both girls.  
Q How old is Boneyville? A Four years old.  
Q Any others? A No sir.  
Q Is your wife living? A No sir.  
Q What was her name? A Cynthia Salena Cox, nee Brown.  
Q Do you possess any Choctaw blood? A No sir.  
Q These children get their Choctaw blood from their mother?  
A Yes sir.  
Q How much Choctaw blood did she claim? A Claimed one-eighth.  
Q What was the name of your wife's father? A I don't know.  
Q Don't know your father-in-law's name? A Sir?  
Q What was the name of your wife's father? A I don't know.  
Q What was the name of your wife's mother? A I don't know that.  
Q How do you know your wife had any Choctaw blood then?  
A I don't know it only just by what she said.  
Q Who did she get her Choctaw blood from? A From her mother.  
Q Was her mother a Choctaw Indian? A Said to be.  
Q Who was she? She was her mother? A Well, her brothers here will have to tell me her name, that's all there is of it.  
Q How do you know she's a sister to these two persons? A She claimed to be.  
Q What and where did you marry your wife? A Married her in Gallin County.  
Q Where is Gallin County? A In Texas. Married her in '63.  
Q Was her mother and father living at the time you married her?  
A No sir.



(2)

- Q Were you married by a minister or official? A Minister.  
Q Under a marriage license? A Yes sir.  
Q Have you got that marriage license and certificate with you?  
A No sir.

It will be necessary for you to file the original marriage license and certificate or a certified copy of them.

- Q Where was your wife born? A In Kentucky.  
Q How old would she be if she was living now? A Born in 1875, that would make her-----  
Q About twenty-six years old--born in 1875? A Yes sir.  
Q Was your wife ever recognized in any manner as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or by the United States authorities?  
A Not that I know of.  
Q Is your wife's name or the name of your two children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.  
Q Did your wife during her lifetime, or anyone for her, ever make application to the Choctaw tribal authorities in the Indian Territory, to be enrolled as a member of that tribe? A Not that I know of.  
Q Did your wife during her lifetime ever make application to the Commission to the Five Civilized Tribes, in the year 1896, to be admitted as a citizen of the Choctaw Nation under the Act of Congress of June 10, 1896? A Don't know.  
Q Was your wife, or either of your minor children, ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A Not that I know of.  
Q Was there any application made prior to this time on behalf of your wife during her lifetime, or on behalf of your two minor children, to either the Choctaw tribal authorities or the authorities of the United States for their admission and enrollment as citizens of the Choctaw Nation? A Not that I know of.  
Q Do you appear before the Commission at this time for the purpose of claiming rights to the Choctaw lands in the Indian Territory, for these two children, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th of September, 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830, between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws didn't want to move to this new country but wanted to remain in the old Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

(3)

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and desired to take lands under its provisions, he should, within six months from the 24th day of February, 1831, that being the date on which Congress ratified the treaty, signify to the government Agent there in Mississippi his intention to remain and take lands. After doing that he would be entitled to a section of land of six hundred and forty acres, as the head of a family; and for each child in his family over the age of ten years and unmarried he would be entitled to one half that quantity, or three hundred and twenty acres; and for each child in his family under ten years of age he would be entitled to a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations to include any improvement owned by the head of the family at the time this treaty was made--September 27th, 1830. This article also required that after a Choctaw had received these lands he should reside upon said lands for a term of five years, after which time the government would give him a title in fee simple which would enable him to dispose of the lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained and took his lands under this article and resided upon those lands for five years, did not forfeit his right to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit his right to claim any portion of the Choctaw annuities. Annuities was money paid to the Choctaw Indians by the United States government annually under treaty provisions.

(4)

- Q Now what is the name of the Choctaw ancestor of these children who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Well, I have been taught it was William Butler.
- Q What was the name of the Choctaw ancestor of these children who was married and the head of a family at the time this treaty was made--27th of September, 1830? A Reuben Butler.
- Q Have you any proof to show that Reuben Butler was married and the head of a family and lived in the old Choctaw Nation at the time this treaty was made? A I have not.
- Q How do you gain your knowledge then that Reuben Butler was married and the head of a family at the time this treaty was made? A Well, I don't understand the question you asked before that.
- Q Whenever you don't understand any question clearly, always say so before answering and I will explain it to you. Then do you know the name of the Choctaw ancestor of these children who was married and the head of a family and who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A No sir.
- Q Do you know whether any of the Choctaw ancestors of these children owned an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A No sir, I don't.
- Q Did any of the Choctaw ancestors of these children remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1836, at the time the main portion of the Choctaws moved from the old Choctaw Nation to the Choctaw Nation, Indian Territory? A Not that I knew of.
- Q Did any of the Choctaw ancestors of these children, within six months from the 24th day of February, 1831, go before the government Agent there in Mississippi and notify him that they intended to remain in the old Nation and that they wanted to take lands under the provisions of this article? A Not that I knew of.
- Q Did any of the Choctaw ancestors of these children ever receive any lands as Choctaw Indians from the United States government under the provisions of article fourteen of this treaty? A Not that I knew of.

In accordance with the provisions of this article the government directed an Agent in Mississippi to register the names of all Choctaws who desired to remain in the old Choctaw Nation and become citizens of the states and who wanted to take lands under its provisions. The records of the government show that this Agent failed to register the names of Choctaws who really did go before him and signify their intentions to him of staying and taking lands, and on this account, in many instances, lands on which Choctaws owned improvements and which they desired to reserve for them, was sold by the government at its public land sales and the Indians were dispossessed of their lands. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress, under various Acts, appointed Commissions to go into the state of Mississippi and investigate these claims. These Commissions investigated a large

(5)

number of claims, some of which they allowed and others they rejected. Of the claims allowed, if approved by the Secretary of War and the President and the lands had not been sold, the Indians were given them. If, however, the lands had been sold and the Indians established their claims to those lands before these Commissions, they were given scrip in lieu of such lands, and under this scrip they were entitled to locate on vacant government land in the states of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of the Choctaw ancestors of these children own any lands in either of these states? A Not that I know of.
- Q Did they ever receive any scrip from the United States government through these Commissions for lands which they had established their claims to before them? A Not that I know of.
- Q Did any of them ever appear before any of these Commissions and attempt to establish claims to lands under this article? A Not that I know of.
- Q So far as you know did any of the Choctaw ancestors of these children ever receive any benefits from the United States government as Choctaw Indians? A Not that I know of.
- Q So far as you know were any of the Choctaw ancestors of these children ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
- Q Have you any written evidence you want to offer at this time? A Yes sir.

Applicant files sworn petition which is filed, marked Exhibit "A" for identification, and made a part of the record

- Q Do you know of the existence of any written proof of any kind such as deeds or patents to lands that would tend to show the compliance on the part of any of the ancestors of these children with the fourteenth article of this treaty? A Don't know.
- Q Do you know of any witnesses you could bring before this Commission who could testify that any of the ancestors of these children ever complied with or attempted to comply with any of the provisions of this fourteenth article of this treaty? A No sir.
- Q Is there any further statement you desire to make? A No sir.
- Q What relation are these children of yours to Schuyler Christman Brown? A He's their uncle.
- Q Edward Seymour Brown? A He's uncle.
- Q Do you desire the record in their cases to be considered as part of the record in the cases of these children? A Yes sir.

Reference is made to H.C.R. 4481, Schuyler Christman Brown et al. and H.C.R. 4482, Edward Seymour Brown et al.


- Q Neither of your children are present with you to-day? A No sir.
- Q Did your wife speak or understand the Choctaw language? A No sir.
- Q What was the color of your wife's hair? A Dark brown.
- Q Color of her eyes? A About same color.

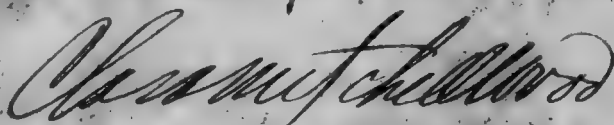
(6)

- Q Did she have any traces of Indian blood? Did she look like a person of white parentage? A White parentage.  
Q How your children show no traces of Indian blood? A No sir.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 11th day of January, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

  
Subscribed and sworn to before me this 18th day of January, 1902.



Notary Public.



Department of the Interior  
Commission to the Five Civilized Tribes,  
Washington, Indian Territory, January 21, 1902.

-----

In the matter of the application for identification as  
Mississippi Choctaws of Samuel H. Harris et al., M.C. 4479.

In the matter of the application for identification as  
Mississippi Choctaws of Edith McGowan et al., M.C. 4480.

In the matter of the application for identification as  
Mississippi Choctaws of Schuyler S. Brown et al., M.C. 4481.

In the matter of the application for identification as  
Mississippi Choctaws of Edward S. Brown et al., M.C. 4482.

In the matter of the application for identification as  
Mississippi Choctaws of Clara Ann Cox et al., M.C. 4483.

-----

S. P. Collins called as a witness in behalf of the above  
entitled causes, duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A S. P. Collins.  
Q How old are you? A In seventy-five next April.  
Q What is your post office address? A Anna Texas.  
Q How long have you lived in Texas? A Fifteen years.  
Q Where did you live before you moved to Texas? A I lived in Kentucky.  
Q Were you born in Kentucky? A Born and raised there and never  
lived anywhere else until I came here.  
Q Are you personally acquainted with the applicants who have made  
application for identification as Mississippi Choctaws in these  
several cases? A I have no acquaintance with any of them only  
since the last few days.  
Q When did that acquaintance begin? A Well Mr. Harris was out  
at my house one night last week and I never saw those boys until  
this morning, if I did it was when they were small children.  
About one week ago I first met Mr. Harris.  
Q Did you know in Kentucky John Shelby Brown? A Yes sir.  
Q Did you know his wife Mary J. Brown? A Yes sir.  
Q What was the maiden name of John Shelby Brown's wife? A Butler.  
Q What was her father's name? A Nelson Butler.  
Q Did you know Nelson Butler's father? A I saw him once or twice  
when I was a boy.  
Q Was he a white man or a Choctaw Indian? A Well he looked like  
a Choctaw Indian when I saw him, I saw a great many since, he  
was the first Indian I ever saw.  
Q Where did you first see him? A In Kentucky when I was about  
ten or twelve years old.

- Q Do you know whether he was a Choctaw, Cherokee, Chickasaw or any other kind of an Indian? A I don't know about that.
- Q Do you know whether he was a Choctaw Indian or not? A No sir I don't know what tribe he was, he did not live near me, he came to visit his son Ruben.
- Q Did you ever hear either William Butler or his son Ruben Butler say what tribe of Indians they belonged to? A I have no recollections that I ever did.
- Q Were you born about the year 1827? A Twenty seven, in April twenty-seven.
- Q Do you know whether Ruben Butler or William Butler ever resided in the State of Mississippi or not? A I do not know.
- Q When did you first become acquainted with Ruben Butler, what year? A I could not tell you. was a boy when he moved to my neighborhood.
- Q To the best of your recollection was Ruben Butler a married man and the head of a family in the year eighteen hundred and thirty? A I don't know he had not moved to my neighborhood then.
- Q Do you know when he moved to your country? A I was a small boy.
- Q Was he a married man and had a family when he first moved there? A Yes sir.
- Q Do you know where he moved from to Kentucky? A From Cumberland and Kentucky and I don't know where they lived before coming to Cumberland.
- Q Have you any knowledge of any residence of either Ruben Butler or William Butler in the old Choctaw Nation Mississippi or Alabama in 1837? A Not at all.
- Q During your acquaintance with William Butler and Ruben Butler did you ever hear them say that they lived in the State of Mississippi at that time? A No sir I don't think that they did, I don't know that I ever spoke to William Butler in my life.
- Q Did you ever hear either Ruben Butler or William Butler say that they received land from the United States government as Choctaw Indians? A No sir.
- Q Then you have no knowledge of either William or Ruben Butler extending beyond your acquaintance with them in the State of Kentucky? A No sir.

Examination by attorney Heflin.

- Q You say you have lived here about fifteen years? A Yes sir.
- Q came from Kentucky here? A Yes sir.
- Q What County did you live in, in Kentucky? A Russell
- Q Did you ever hold any official position in Russell County, Kentucky? A Yes sir.
- Q What was it? A I was County Surveyor there for eight years and was County Judge for twelve years.
- Q Those were the only positions you held? A Yes sir without some other little petty things.
- Q Lived there all your life? A Yes sir born and raised there.
- Q You say about one week ago was the first time you were ever acquainted with Mr. Harrist? A Yes sir I think one week ago he came to my house and stayed all night and wanted to know what I knew about this matter.
- Q Are you getting anything for appearing in these applications over and giving this testimony? A No sir.



## Examination by the Commission

- Q Did you know J. B. Harris' wife during her life time? A Yes sir, the young man here.
- Q J. B. Harris who made application for his children here this morning? A No sir.
- Q Do you know Schuyler C. Brown to be a son of John Shelby Brown and Mary Jane Brown? A No, I don't know anything about it only what they told me the last few days.
- Q You have no personal acquaintance then with the children of John Shelby Brown and Mary Jane Brown until you met these applicants a few days ago when they came to you to see you about testifying in their case? A No sir.

## Examination by attorney Heflin.

- Q You say William Butler was the first Indian you had ever seen? A Yes sir.
- Q Have you seen Indians since then? A Yes, I saw hundreds of them.
- Q You think you could tell the difference in the characteristics of Indians of the different tribes? I might not; I think Choctaws are taller and more slender and not so dark as the Creeks.
- Q Have you any idea which he resembled, whether it was a Choctaw, Creek or Seminole? A William Butler was a tall and slender man and straight black hair, I think he is more like those Choctaws that I have seen.
- Q You never heard William or Ruben Butler say what kind of Indians they were? A I never heard them speak about it at all and Ruben Butler was in my neighborhood for thirty or thirty five years.
- Q It was your understanding though that they were Indians? A That is what was the talk all over the neighborhood.
- Q You say you have lived neighbors to Ruben about thirty years? A I think so about that.
- Q And you saw William Butler how many times? A Once or twice just on a visit to his son.

## Examination by the Commission

- Q Are you prepared to swear that either Ruben Butler or William Butler were Choctaw Indians? A Why no; I don't know a thing in the world about it.

Witness answered.....

J. B. Harris recalled testified as follows:

## Examination by attorney Heflin.

- Q Did you ever live in the State of Kentucky? A Yes sir.
- Q Ever see William Butler? A No sir.
- Q Did you ever see his son Ruben? A Yes sir.
- Q Did Ruben Butler ever say anything to you about whether he was of Indian blood or did he have any of the features of a Choctaw? A Well I heard him say that he was Indian.
- Q Say anything about what kind of an Indian? A I don't remember hearing him say that he was Choctaw, I have heard others say that he was a Choctaw. I heard him say that he was a half blood Indian and say that he came from Mississippi when he was a boy. His father brought him when he was a boy.
- Q What County did he live in? A In Kentucky?
- Q Yes? A He lived in Russell County.

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- Q It had always been your understanding that they were Indians? A Yes sir.
- Q Are you prepared to swear that Robert Butler was a half blood Choctaw Indian? A No sir I can't say positively that he was.
- Q Your knowledge of his being a Choctaw Indian was gained from hearing entirely? A Yes sir.

G. Rosenwinkel having been duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 11, 1902 and the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 15th day of January 1902.

*Clara Mitchell Wood*

Notary Public.

Muskogee, Indian Territory, January 17, 1902.

Galloway & Heflin,

Attorneys at Law,

Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of the fifteenth instant, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of the marriage license and certificate between D. F. Cox and Helen Brown, offered in support of the application for the identification as Mississippi Choctaws of Clarie Ann Cox, et al. H.C. 4483.

Certified copy of marriage license and certificate of E. H. Brown and Hulsh Lee, offered in support of the application for identification as Mississippi Choctaws of Edward Seymour Brown, et al. H.C. 4482.

Certified copy of marriage license and certificate of Snyder Brown and Dora Lee, in support of the application for identification as Mississippi Choctaws of Snyder Christian Brown, et al. H.C. 4481. The same have been duly filed in the above cases.

Yours truly,

Muskogee, Indian Territory, May 31, 1902.

Clarie Gna Cox,

Poland, Texas.

Dear Ma'am:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Semmyler Christman Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                   |            |
|-----------------------------------|------------|
| Semmyler Christman Brown, et al., | M C R 4481 |
| Samuel Houston Harris, et al.,    | M C R 4479 |
| Edith Woodman, et al.,            | M C R 4480 |
| Edward Seymour Brown, et al.,     | M C R 4482 |
| Clarie Gna Cox, et al.,           | M C R 4483 |

Said decision after a review of the evidence submitted concluded as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."



006-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Schuyler Christian Brown, Otya Ray Brown, Clarence Arnold Brown, Ollie Medford Brown, Albie Verna Brown, Claudie Willett Brown, Samuel Houston Harris, Magdalena Harris, George Washington Harris, Ella Eugene Harris, Martha Jane Harris, Thomas Jefferson Harris, John Harvey Hazle, Edith McGowan, Maggie Jane McGowan, Bertha McGowan, Edward Seymour Brown, Ernest Raymond Brown, Clerville Brown, Alma Ora Brown, Clara Ora Cox and Boneville Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for the identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.R. 4495

Muskogee, Indian Territory, July 2, 1902.

Clayton Owa Cox,

Beland, Texas.

Dear Madam:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Schuyler Crisman Brown, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

Yours truly,

(SIGNED)

T. B. WOODMAN  
Commissioner in Charge.

No. 448

For Identification as a Mississippi Choctaw

Date JAN 11 1902

Name C. F. Cox for his 2 children

Age 31 Blood

Post Office, Roland Texas

Father: C. F. Cox

Mother: Cynthia Helena Cox <sup>blood</sup> 1/8 Dredge  
all Indian

Claims through

Father - Don't know  
Mother - Don't know

Children:

|             |     |     |    |
|-------------|-----|-----|----|
| Helaris Oma | (F) | Cox | 7  |
| Donville    | (F) | "   | 14 |



Choctaw MCR 4484

Mary E. Harmon

See MCR 2280

MCR 4484

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. January 11, 1902.

4484

In the matter of the application for identification as Mississippi Choctaws of Mary E. Harmon for herself and her minor child Edna May Thompson.

Applicants not represented by attorney.

Mary E. Harmon being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary E. Harmon.  
Q What is your age? A Twenty-three in March.  
Q How much Choctaw blood do you claim? A I claim one-quarter blood; my grandmother on my father's side was a full blood Choctaw.  
Q What is your post office address? A Labelle, Missouri.  
Q Is your father living? A Yes sir.  
Q What is his name? A William Hooper.  
Q How old is your father? A I forget how old he is---64 or sixty five, I don't know which,---sixty-three.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mattie Hooper.  
Q Through which one of your parents do you claim Choctaw blood? A My father.  
Q Where was your father born? A In Alabama.  
Q Where does he reside now? A In the Choctaw Nation.  
Q You know what place? A Hartshorn.  
Q Did he move from Alabama to the Choctaw Nation? A No sir.  
Q Where did he move to from Alabama? A I don't know.  
Q You have stated your post office address is Labelle Missouri? A Yes sir.  
Q Where was you born? A Kansas.  
Q Was your father living in Kansas at that time? A Yes sir.  
Q Do you know where he lived prior to moving to Kansas? A I don't know.  
Q How long has he lived in the Choctaw Nation, Indian Territory? A Since September but he has been in the Nation for the past nineteen years.  
Q You mean by that that he has lived in the Indian Territory for the last nineteen years? A Yes sir.  
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Ever been recognized?  
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities; that is have the Choctaw tribal authorities ever enrolled him? A No sir.  
Q Has he ever been enrolled or recognized as a member of the Choctaw tribe of Indians by the United States authorities? A No sir not that I know of.  
Q When and where were your father and mother married? A In Kansas.

- Q What year? A I don't know what year.  
 Q Were they married under a license? A Yes sir.  
 Q Have you got that marriage license and certificate with you?  
 A I have not yet.

It will be necessary that you furnish the Commission with evidence of the legal marriage of your father and mother in support of your application. You can do that by filing the original marriage license and certificate or else you can file a certified copy of the same.

- Q Has William Hooper your father ever been before this Commission and applied for identification as a Mississippi Choctaw?  
 A He has been before the Commission but has never applied for a Mississippi Choctaw.  
 Q What did he apply for? A He applied as a Choctaw by blood.

The records of the Commission examined and show; that in September 1899 William Hooper appeared before this Commission at South Canadian, Indian Territory and applied for enrollment as a citizen by blood of the Choctaw Nation; that William Hooper sixty one years of age, post office address Muskogee, Indian Territory, was here before this Commission at Muskogee, Indian Territory, October 2, 1900 and applied for the enrollment of himself and his seven minor children as citizens by blood of the Choctaw Nation and for the identification of his wife Mattie Hooper as an intermarried citizen of the Choctaw Nation, Choctaw R-136; and that; on May 24, 1901 William Hooper appeared before this Commission at Atoka, Indian Territory and applied for the identification as Mississippi Choctaws of himself and seven minor children.

- Q This William Hooper who made application to this Commission for enrollment as a citizen by blood of himself and his children and for the identification of himself and his children as Mississippi Choctaws is your father? A Yes sir.

The Commission states to you that it will not be necessary for you to file a certified copy of the marriage license and certificate of the marriage between your father and mother as this document is filed with his application.

- Q This marriage license gives the name of your mother as Samantha while you have given it as Mattie; which is the correct name? A Samantha.  
 Q Are you married? A Yes sir.  
 Q Is your husband living? A Yes sir.  
 Q What is his name? A Jacob Harmon.  
 Q Does your husband possess any Choctaw blood? A No sir.  
 Q Do you make any claim for him? A No sir.  
 Q Have you any children for whom you desire to make application?  
 A Yes sir.  
 Q How many? A One.  
 Q What is the name and age of that child? A Edna May Thompson.  
 Q Have you been married twice? A Yes; she is two years old next month.  
 Q What is the name of Edna May's father? A Henry Thompson.  
 Q Was he a white man? A Yes sir.  
 Q Made no claim to Indian Blood? A No sir.  
 Q Is he living? A Yes sir.  
 Q Are you divorced from him? A Yes sir.

- Q Have you a copy of the Court proceedings granting that divorce?  
A At home.
- Q You will have to file a certified copy of the divorce proceedings in support of the application you make for this child.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know whether they are or not.
- Q Would you not know if your name was on these rolls? A I think they are not there.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A Did I ever make?
- Q Any application to the Choctaw tribal authorities? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A Been admitted to?
- Q Citizenship by either the Choctaw tribal authorities or the Dawes Commission or the United States Court; have either of these authorities ever admitted you to citizenship in the Choctaw Nation; you are not a citizen of the Choctaw Nation? A My father is.
- Q Your father is a citizen of the Choctaw Nation; how do you know that? A How do you mean?
- Q Answer my question have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No answer.
- Q I will explain it if you desire it? A Why don't you do it?
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities? A No I have not.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission? A Yes I have.
- Q When? A No I aint' either.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the United States Court in Indian Territory? A What?
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before this Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory under the provisions of the fourteenth article of the treaty of 1830 between the United States government and the Choctaw Indians made in Mississippi? A Yes sir.

This treaty was concluded on the 27th day of September eighteen hundred and thirty at a place called Dancing Rabbit Creek in Mississippi. It was made between the United States government and the Choctaw Nation. The Choctaws at that time occupied a portion of the State of Mississippi and a small portion of the State of Mississippi lying along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the Country then occupied by them to a new Country West of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to go to this new Country but preferred to remain in the old Choctaw Nation and for the bene-



fit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article means that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi or Alabama, take land there under the provisions of this article, he should within six months from the time the treaty was ratified go before government Agent in Mississippi and signify to him his intention of remaining and taking land under its provisions; he was then entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over ten years of age he was entitled to one half section of three hundred and twenty acres and for each child in his family under ten years of age he was entitled to one quarter section or three hundred and twenty acres, the reservation of the children to adjoin the reservation of the parents and these reservations to include any improvements owned by the head of the family at the time the treaty was concluded. This article also required that a Choctaw who remained in the old Choctaw Nation in Mississippi or Alabama and took land under the provisions of this article should reside upon this land for five years after which time he was entitled to a grant in fee simple which would entitle him to dispose of his land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830 at the time this treaty was made? A James Turner. Some times they called him Fox Turner.
- Q What relation are you to this Fox Turner? A I am his grandchild ----I am his great grand daughter.
- Q You claim your Choctaw blood from your father? A Yes sir.
- Q Who does he get his Choctaw blood from? A His mother.
- Q What was her name? A Her maiden name was Harriet Turner and after she got married her name was Harriet Hooper.
- Q Was Harriet Hooper married and the head of a family in 1830? A I suppose so.
- Q This is an important matter that you are answering questions on and I will try to explain to you any questions that you do not understand. My question to you was, was Harriet Hooper married

- and the head of a family in 1830? AX Yes sir.
- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A Yes sir.
- Q Have you any proof that she was a recognized member of the Choctaw tribe of Indians at that time? A Yes sir.
- Q What does that proof consist of? A They knew her.
- Q Who knew her? A No answer.
- Q In what manner was she recognized as a member of the Choctaw tribe of Indians; by the Choctaw tribal authorities of that time? A Yes sir some of the old residents.
- Q What kind of proof have you got to show; how did you gain that knowledge? A Well they knew my father and then knew me.
- Q Who told you that she was a recognized member of the Choctaw tribe of Indians at that time; are you not testifying to something that somebody told you about? A I heard my father talk about it.
- Q Then you don't know yourself whether Harriet Hooper was a recognized member of the Choctaw tribe of Indians in 1830? A No sir.
- Q You have no proof of any kind any written papers or any documents or any witnesses to offer to show that she was a recognized member of the Choctaw tribe of Indians at that time? A No sir I have not.
- Q Did Harriet Hooper ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did Harriet Hooper own any improvements upon what constituted the old Choctaw Nation in Mississippi and Alabama in 1830? A Yes sir.
- Q What did these improvements consist of? A I don't know my grandfather died there.
- Q Have you any proof to show that she owned these improvements? A Well my father that is all that I have got.
- Q Did your father ever tell you that his mother ever owned any improvements in Mississippi in 1830? A I don't know what year it was but I know she owned lands there---I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation Mississippi or Alabama between the years 1833 and 1838 to the New Choctaw Nation, Indian territory at the time of the removal of the main portion of the Choctaws? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors within six months from the 24th day of February 1831, the time this treaty was ratified, go before the government agent in Mississippi and signify to him their intention of remaining in the state and to take land there? A They did take land there.
- Q Do you know whether they got that land under the provisions of this article from the United States government? A I don't know how they got it.
- Q All you know is that they owned lands in Mississippi? A Yes sir.
- Q But you don't know whether they got it from the United States government as Choctaw Indians? A Yes they got it as Choctaw Indians.
- Q Have you any record that that land was given your ancestors as Choctaw Indians? A No sir not that I know of.

Reference is here made to the following questions and answers in the testimony of William Hooper in his application to this Commission on May 24th 1901 for the identification of himself and his seven minor children as Mississippi Choctaws.

- Q Did you not say just a moment ago that your grandfather received land there? A Yes but I didn't; Yes sir he got land there.
- Q Your grandfather did? A Yes sir.
- Q you know where that land is? A I don't know just whether it was at Holly Springs or Pontotoc, they use to talk of them places considerably, coming there and visiting us.
- Q What became of that land? A I do not know, since the War."

- Q do you know of the existence of any papers such as deeds to lands or patents to lands that would tend to show that this ancestor of yours received land under the provisions of article fourteen as a Choctaw Indian? A No sir.

In accordance with the provisions of article fourteen the government directed an agent in Mississippi to register the names of all the Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register the names of a great many Choctaws who really signified their intention of remaining and taking land. on this account the land on which the Choctaws owned improvements and which they desired reserved for them under this article was sold by the government at public land sales and the Choctaws lost their land. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the State of Mississippi and investigate these claims. They investigated a number of claims, some they allowed and others were rejected. Of the claims allowed if the lands had not been sold the Indians were given them if however the land had been sold and the Choctaws had established their claims to these lands before any of these Commissions they were given Scrip in lieu of this land that had been sold and under this scrip they could locate on vacant government lands in Mississippi, Louisiana, Arkansas or Alabama.

- Q Did any of your Choctaw ancestors receive any scrip from the United States government, through any of these Commissions for land that had been sold by the government at these public land sales? A Not that I know of.
- Q Did any of your Choctaw ancestors ever appear before any of these Commissions and attempt to establish their claims to lands under article fourteen of this treaty? A I don't know that either.
- Q So far as you know did any of your ancestors ever receive any benefits from the United States government as Choctaw Indians? A No sir.
- Q Do you know of the existence of any documentary evidence any papers of any kind that would tend to show compliance on the part of your ancestors with any of the provisions of article fourteen of the treaty? A No sir I do not.
- Q Do you know of any witnesses you can bring before the Commission who could testify that your ancestors ever complied with or attempted to comply with the provisions of article fourteen of this treaty? A No sir.
- Q Have you any written evidence that you want to offer at this time? A No none unless you want to take my license.
- Q It is not required that you file that. You have charge of this minor child of yours, is it living with you? A Yes sir.



Q Under the law the supposition is that the father is the natural guardian of the child and if the Court has awarded you the child it is necessary that you file a copy of the divorce proceedings.

Q Do you desire the evidence in your father's case considered as evidence in your case? A Yes sir.

This applicant has dark brown hair, black eyes, medium fair complexion, features and appearance of a person of white parentage.

Q Do you speak or understand the Choctaw language? A No sir.

Does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 11, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 18th day of January 1902.

*Charles H. Williams*

Notary Public.

Miss. Chec. 4484.

Muskogee, Indian Territory, February 25, 1902.

Mary E. Harmon,

Hartshorne, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the eighteenth instant, inclosing your marriage license and certificate and asking if your husband can be included in your application for identification as a Mississippi Choctaw.

In reply to your letter, you are advised that the Commission knows of no authority of law by which white persons who have married claimants as descendants of Choctaw Indians who complied with the provisions of the fourteenth article of the treaty of 1825 acquire any rights by such marriage. The marriage license and certificate between Jacob Harmon and Mary E. Keeper is therefore herewith returned to you.

Yours truly,

Commissioner in Charge.

COPY.

-MUR-4484-

Muskogee, Indian Territory, March 3, 1908.

Mary E. Harmon,

La Belle, Missouri.

Dear Madam:

You are hereby advised that on the 3rd day of March, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hooper, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |              |
|------------------------|--------------|
| William Hooper, et al. | M.C.R. 2280; |
| Mary E. Harmon, et al. | M.C.R. 4484; |
| John Hooper,           | M.C.R. 4486; |
| Battle Nelson,         | M.C.R. 4486; |
| Joseph Hooper,         | M.C.R. 4596. |

Said decision, after a review of the evidence submitted, consisted as follows:

The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 28, 1906, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming descent from the Choctaw band under Article Twenty-two of the Treaty between the United States and the Choctaw Indians, concluded September twenty-seventh, eighteen hundred and thirty, and to that

M. E. H., 1.

and may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Hooper, Eva Hooper, Jessa Hooper, Logan Hooper, Fannie Hooper, Jimmie Hooper, Jennie Hooper, Charlie Hooper, Mary E. Harmon, Edna May Thompson, John Hooper, Mattie Nelson, and Joseph Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William Hooper for the identification of his wife, Mary Samantha Hooper, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tams Bixby.*

ACTING CHAIRMAN.

Commissioner in Charge.

Registered.



H O N 4484

Muskogee, Indian Territory, April 29, 1902.

Mary E. Hanson,

LaRolle, Missouri.

Dear Madam:

You are hereby advised that on the 19th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Hooper, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

No. 4184

For Identification as a Mississippi Choctaw.

Date JAN 11 1902

Name Mary E. Harmon

Age 23 Blood 1/4

Post Office, La Belle mo

Father: William Hooper ✓

Mother: ~~Samantha~~ Mattie Hooper ✓

Claims through Father

Jacob Harmon  
no claim for him ✓

Claims for self and child

Henry Thompson ~~married~~ ✓  
Edna May Thompson 2

Choctaw MCR 4485

John Hooper

See MCR 2280

MCR 4485



4486  
Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 11, 1902.

In the matter of the application for identification as a  
Mississippi Choctaw of John Hooper.

Applicant not represented by attorney.

John Hooper having been duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Hooper.  
Q How old are you? A Twenty-nine years old.  
Q How much Choctaw blood do you claim? A Well I don't know how much but my grandmother was a full blooded Choctaw and my grandfather was about one-quarter I think. I am not certain how much I have.  
Q Are you a son of William Hooper? A Yes sir.  
Q Who made application before this Commission at Atoka, Indian Territory May 24th, 1901 for the identification of himself and his seven minor children as Mississippi Choctaws; you are his son are you? A Yes sir.  
Q He claims three quarters Choctaw; how old is your father William Hooper? A I really don't know.  
Q He is living is he? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Samantha Hooper.  
Q Through which one of your parents do you claim your Choctaw blood? A father.  
Q Is your mother a white woman? A Yes sir.  
Q Claims no Choctaw blood at all? A No sir.  
Q your father in his application at Atoka, May 1901 claimed three-quarters, your mother being a white woman, then you should have one half of the Choctaw blood your father possesses? A Yes sir.  
Q Then your blood would be about three eighths would it not? A Yes sir.  
Q What is your post office address? A Muskogee.  
Q How long have you lived at Muskogee? A eight or ten years.  
Q Where were you born? A In Ft. Scott, Kansas.  
Q Ever live anywhere except Kansas and the Indian Territory? A Yes sir.  
Q Where did you live? A In the Chickasaw Nation and the Creek Nation and then in the Choctaw Nation.  
Q Did you ever yourself live in the Choctaw Nation? A Not myself my father did, I have been through there and stepped there off and on.  
Q Did you ever have a permanent residence in the Choctaw Nation? A No sir.  
Q Where does your father live? A At Hartshorn, Choctaw Nation.  
Q How long has he lived there? A About three months.  
Q Where was your father born? A Alabama.  
Q Where did he move to from Alabama? A I don't know.  
Q You don't know where your father moved to when he moved from Alabama? A No sir.  
Q You know what year he moved from Alabama? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Before I married her?  
Q Her given name now? A Lula.

- Q She is a white woman? A Yes sir.
- Q makes no claim to Choctaw blood? A No sir.
- Q You make no claim for her? A No.
- Q Have you any children for whom you desire to make application? A No sir.
- Q Then this claim is for yourself alone? A Yes sir.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities? A No sir.
- Q Has he ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the United States authorities? A No sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not that I know of.
- Q You would know if you had made such application? A I did not make any.
- Q Did you authorize any one else to make it for you in 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded, September twenty seventh, eighteen hundred and thirty in Mississippi? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September eighteen hundred and thirty between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of all the Choctaws from the country then occupied by them to a new country west of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to remove to this new country but wanted to remain in the old Choctaw Nation and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to signify the location of the parent. If they re-

side upon said land for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should within six months from the time the treaty was ratified by Congress, Congress ratifying the treaty on the 24th day of February 1831, go before the government agent there in Mississippi and signify his intention of remaining and taking land under its provisions. After doing that he was entitled as the head of family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over ten years of age and unmarried he was entitled to one half that quantity or three hundred and twenty acres of land and for each child under ten years of age he was entitled to one quarter section or one hundred and sixty acres; the reservation of the children to adjoin the reservation of the parent, and this reservation to include any improvements owned by the head of the family at the time the treaty was made, September twenty-seventh, eighteen hundred and thirty. This article also required that after a Choctaw received his land from the government he should reside upon this land for a term of five years after which time the government would give him a title in fee simple enabling him to dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to remain in the old Choctaw Nation in Mississippi and take land and after he had resided on this land for five years he did not lose his right to citizenship in the New Choctaw Nation, Indian Territory but did lose any right he might have to claim any portion of the Choctaw annuities. Annuities were moneys paid to the Choctaw Indians under treaty provisions.

- Q Do you think you understand that article as read and explained to you? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A James Turner.-----My grandfather.
- Q You got your Choctaw blood from your father? A Yes sir.
- Q Who did he get his Choctaw blood from? A From his parents?
- Q Which one? A Father and mother both?
- Q What was the name of his mother? A Her name was Harriet Hooper.
- Q She was a daughter of James Turner? A Yes sir.
- Q Then her maiden name was Harriet Turner? A Yes sir.
- Q You say your father got his Choctaw blood from both his parents. what was the name of his father, your grandfather, you know what his name was? A His name was John Hooper I think.
- Q Did John Hooper claim Choctaw blood? A I don't know whether he did or not. I don't think he did.
- Q Well did Harriet Turner claim Choctaw blood? A Yes sir.
- Q Then your father gets his Choctaw blood from his mother and not from both of his parents as you have stated? A Yes sir.

- Q And Harriet Turner gets her Choctaw blood from James Turner?  
A Yes sir.
- Q How much Choctaw blood did James Turner claim? A I don't know.
- Q Did your father have any brothers older than he was, brothers or sisters older than he was? A I don't know whether he was the oldest or not.
- Q You don't know whether you have any uncles or aunts older than your father? A No sir.
- Q Was Harriet Turner married and the head of a family in 1830? A Yes sir.
- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I could not say.
- Q Did Harriet Turner ever comply or attempt to comply with the provisions of this fourteenth article? A I don't know.
- Q Did she own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I could not say.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation in Indian Territory between the years 1833 and 1838 at the time the main portion of the Choctaws moved to the New Territory?  
A No sir.
- Q Did this Choctaw ancestors of yours within six months from the 24th of February 1831, the time the treaty was ratified, go before the government agent in Mississippi and signify her intention of staying in the old Choctaw Nation and taking land under this article? A I don't know.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of all the Choctaws who desired to remain in the old Choctaw Nation and take lands there. The records of the government show that this agent failed to record the names of many Choctaws who really did signify their intention of taking land there and on this account in many instances the lands upon which the Indians had improvements and which the desired reserved for them under this article were sold by the government at its public land sales and the Choctaws were deprived of their land. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commission to go to Mississippi and investigate these claims. A great many claims were investigated by them, some were allowed and others rejected. Of the claims allowed if the lands had not already been sold the Indians were given it if however the land had been sold they were given scrip under which they could locate lands on any of the vacant government lands in the States of Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors go before any of these Commissions and attempt to establish their right to lands under article fourteen? A No sir.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government through these Commissions for land to which they had established claims and which had been sold? A I don't know.
- Q Did any of your Choctaw ancestors own any land in Mississippi Alabama, Louisiana or Arkansas? A I could not say.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know only what my father has told me.
- Q You have no personal knowledge of that recognition? A No sir.



#6

- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A I don't know.
- Q Have you any witnesses you want to introduce in support of your claim? A No.
- Q Have you any written evidence you want to file at this time? A No sir.
- Q Do you know of the existence of any written evidence of any kind that would tend to show that this ancestor of yours ever complied with or attempted to comply with any of the provisions of this fourteenth article of the treaty of 1830? A No sir.
- Q Do you desire the record made in your father's case to be considered as a part of the record in your case and your case considered as part of his? A Yes sir.

Reference is here made to M.C.R. 2280 William Hooper et al.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black hair, black eyes, medium fair complexion, the features and appearance of a person of white parentage. Does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 11, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

Subscribed and sworn to before me this 18th day of January 1902.

*G. Rosenwinkel*  
*Com. Mitchell*  
Notary Public.

-NOB-4486-

COPY.

Muskogee, Indian Territory, March 3, 1902.

Mr. John Hooper,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hooper, et al., embracing the following applications for identification as Mississippi Choctaws:

William Hooper, et al., M.O.R. 2260;  
 Mary K. Harmon, et al., M.O.R. 4484;  
 John Heppner, M.O.R. 4485;  
 Hattie Nelson, M.O.R. 4486;  
 Gerald Hooper, M.O.R. 4596.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 30, 1898, is as follows:

...the ...  
...the ...  
...the ...  
...the ...

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and may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Hooper, Eva Hooper, Jean Hooper, Logan Hooper, Fannie Hooper, Jimmie Hooper, Jennie Hooper, Charlie Hooper, Mary B. Harmon, Edna May Thompson, John Hooper, Hattie Nelson and Joseph Hooper, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William Hooper for the identification of his wife, Mary Samantha Hooper, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

RECORDED

James Birby

Registered.

NOTED/CHAIRMAN  
Commissioner in Charge



M O R 4490.

Muskogee, Indian Territory, April 29, 1902.

John Hooper,

Muskogee, I. T.

Dear Sir-

You are hereby advised that on the 19th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Kiamistigyi Choshaw of the several persons included in the consolidated case of William Hooper, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

No. 4185

For Identification as a Mississippi Choctaw.

Date JAN 11 1902

Name *John Hooper*

Age *29* Blood *3/8*

Post Office, *Muskogee I.T.*

Father: *William Hooper* ✓

Mother: *Samantha Hooper* ✓

Claims through *Father*

*for* *Lala Hooper* ✓

*No claim for wife*

*claim for self alone*

Children:

*G. W. Hooper*

Choctaw MCR 4486

Hattie Nelson

See MCR 2280

MCR 4486

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 11, 1902.

4486

In the matter of the application for identification as  
a Mississippi Cheetaw of Hattie Nelson.

Applicant not represented by attorney.

Hattie Nelson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Hattie Nelson.  
Q What is your age? A Twenty-four.  
Q How much Cheetaw blood do you claim? A Three-eighths I think it is.  
Q What is your post office address? A Muskogee.  
Q Indian Territory is that? A Yes sir.  
Q How long have you lived in Muskogee? A Sixteen years, not right here in Muskogee but eight years in Muskogee.  
Q Where were you born? A Ft Scott, Kansas.  
Q Where did you move to from Kansas? A To the Territory.  
Q Did you ever live in the Cheetaw Nation? A No sir.  
Q You have lived at various points in the Indian Territory? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A William Hooper.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Samantha Hooper.  
Q Through which one of your parents do you claim your Cheetaw blood? A My father.  
Q Where was your father born? A Alabama.  
Q Where does he live at the present time? A Hartshorn, Indian Territory.  
Q Cheetaw Nation? A Yes sir.  
Q How long has he lived in the Cheetaw Nation? A Fifteen years.  
Q Where did he come from when he moved to the Cheetaw Nation? A Well I don't know.  
Q He was living in Kansas at the time of your birth? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Chris Nelson.  
Q Is he a white man? A Yes sir.  
Q Does he make any claim to Cheetaw blood? A No sir.  
Q Do you make any claim for him? A No sir.  
Q Have you any children? A No sir.  
Q Does this claim is for yourself alone? A Yes; for self alone.  
Q Has your father ever been recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities in the Indian Territory? A No sir.  
Q Has he ever been recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians by the United States authorities in the Indian Territory? A No sir.  
Q Is your name to be found among of the tribal rolls of the Cheetaw Nation in Indian Territory? A No sir.  
Q Did you ever make application to the Cheetaw tribal authorities

in the Indian Territory to be enrolled as a member of that tribe?

A No sir.

Q Did you or did any one for you in the year 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities, or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Indians concluded on the twenty seventh of September 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th of September eighteen hundred and thirty between the United States government and the Choctaw tribe of Indians who at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country then occupied by them to the new country west of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to move to this new country but preferred to remain in the old Choctaw Nation for the benefit of this class of Indians article fourteen was made a part of the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi and Alabama and take land under its provisions, he should within six months from the ratification of this treaty, the treaty being ratified on the 24th day of February 1831, signify to the agent of the government his intention to remain and take land under this article, after that he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family unmarried and over the age of ten years he was entitled to one half section or three hundred and twenty acres of land; and for each child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation



of the parents, and this reservation to include any improvements owned by the head of the family at the time the treaty was concluded, September twenty-seventh, eighteen hundred and thirty. This article also required that after a Choctaw had received his land from the government he should reside upon it for a period of five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuities."

That means that a Choctaw who remained in the old Choctaw Nation, took land there and resided upon it for a term of five years did not lose his right to citizenship in the new Choctaw Nation, Indian territory but did lose any right he might have to claim any portion of the Choctaw annuity. Annuities were moneys paid to the Choctaw Indians by the United States government under treaty provisions.

- Q Do you think you understand that article as read and explained to you? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in eighteen hundred and thirty at the time this treaty was made? A James Turner.
- Q What relation was James Turner to you? A My grandfather.
- Q You claim your Choctaw blood through your father? A Yes sir.
- Q Who does he get his Choctaw blood from? A His mother.
- Q What was her name? A Harriet Turner.
- Q What did he get her Choctaw blood from? A Her father.
- Q James Turner? A Yes sir.
- Q You know how much Choctaw blood Harriet Turner possessed? A Full blood.
- Q Which one of your Choctaw ancestors was married and the head of a family in 1830; was Harriet Turner married and the head of a family at that time? A I don't know.
- Q Was James Turner married and the head of a family in 1830? A I don't know.
- Q Your father's age has been given as sixty-three in the former applications made by your family that would indicate that James Turner was married and the head of a family at that time? A Yes sir.
- Q Did your father have any brothers or sisters older than he? A I think one sister.
- Q You know how many years older? A No sir.
- Q Then you don't know whether Harriet Turner was married and the head of a family in 1830 or not? A No sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement upon what was situated the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A I understand my father to say that they did.
- Q Which was it your ancestor? A My father's mother and father.
- Q James Turner? A Yes sir.
- Q Your father's mother and father that would be Harriet Turner and her husband? A Yes sir.
- Q If they owned lands in Mississippi at the time this treaty was made in eighteen hundred and thirty that would be pretty good evidence that they were married and the head of a family at that time? A Yes sir.
- Q Did you know of any other improvements except what your father told

- Q You have no proof of any kind that they got this land from the United States government by complying with this article of this treaty? A No sir.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of those Choctaws who wanted to remain and take land under the provisions of this article. The records of the government show that this agent failed to register the names of many Choctaws who really did go before him and signified their intention to remain and on this account the lands upon which the Indians had improvements were sold by the government at the public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. These Commissions investigated a number of claims, some of which they allowed and others they rejected. Of the claims allowed if it was found that the lands had not been sold by the government the Indians were given them, if however it was found that the lands had been sold the Indians were given scrip under which they could locate on any of the vacant government lands in Mississippi, Louisiana, Alabama or Arkansas.

- Q Do you know whether any of your Choctaw ancestors ever received any scrip from any of these Commissioners or not? A No sir I do not.
- Q Do you know whether they ever appeared before any of these Commissions and attempted to establish their claims to land under article fourteen? A No sir I do not.
- Q You have no proof of any kind to show that your ancestors got this land that you speak of by complying with the fourteenth article of this treaty? A No sir I have not.
- Q Do you know of the existence of any written evidence to show compliance on the part of your ancestors with the fourteenth article? A I think my father has.
- Q But you, yourself don't know of any? A No sir.
- Q So far as you knew were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A No sir, only what my father told me.
- Q Have you any written evidence that you want to offer to-day? A No sir.
- Q Have you any witnesses you want to introduce to-day? A No sir.
- Q Is there any other statement that you want to make? A No sir not unless you want my license.

The records show that your father's marriage license is filed in his case.

- Q Do you desire the evidence in his case considered as part of the evidence in your case? A Yes sir.

Reference is here made to H.C.R. 2280 William Hooper et al.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black hair, black eyes, brunette complexion, features and appearance of a person of white parentage; does not



speaks or understands the Cherokee language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the thirteenth article of the treaty of eighteen hundred and thirty.

W. Rosenwinkel being duly sworn on his oath states that as plenipotentiary to the Commission to the Five Civilized Tribes he took part in all the proceedings had in the above and fore going cases on January 22, 1902 and that the foregoing is a full, true and correct stenographic of his stenographic notes in said cases on said date of January 1902.

*W. Rosenwinkel*

Subscribed and sworn to before me this 18th day of January 1902.

*Charles Mitchell*

Notary Public.

COPY.

-MCR-4486-

Muskogee, Indian Territory, March 3, 1902.

Hattie Nelson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Hooper, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |              |
|-------------------------|--------------|
| William Hooper, et al., | M.C.R. 2280; |
| Mary E. Harmon, et al., | M.C.R. 4484; |
| John Hooper,            | M.C.R. 4485; |
| Hattie Nelson,          | M.C.R. 4486; |
| Joseph Hooper,          | M.C.R. 4596. |

Said decision, after a review of the evidence submitted, concludes as follows:

The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 25, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that

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Muskogee, Indian Territory, April 29, 1902.

Hattie Nelson,

Muskogee, I. T.

Dear Madam:

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the complicated case of William Hogue, et al., of which decision you were advised by registered mail on the 1st day of March, 1902.

Yours truly,

Commissioner in Charge.

U. S. A.

and may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Hooper, Eva Hooper, Jesse Hooper, Logan Hooper, Fannie Hooper, Jimmie Hooper, Jennie Hooper, Charlie Hooper, Mary E. Harmon, Edna May Thompson, John Hooper, Mattie Nelson and Joseph Hooper as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William Hooper for the identification of his wife, Mary Samantha Hooper, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

*Tamie Dixie. Wd*

NOTING CHAIRMAN

Commissioner in Charge.

Registered.



No. 4186

For Identification as a Mississippi Choctaw.

Date JAN 11 1902

Name *Nattu Nelson*

Age *24* Blood *3/8*

Post Office, *Mudoyer I. I.*

Father: *William Hooper* ✓

Mother: *Samantha Hooper* ✓

Claims through *father*  
*husband*

*Chris Nelson* ✓

*no claim for him*

*claim for self alone*

Children:

*L. Rossman*

Choctaw MCR 4487

Sallie Martin

MCR 4487

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----c00-----

In the matter of the application of Sallie Martin, et  
al., for identification as Mississippi Choc-  
taws,-----M C R 4487.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sallie Martin, et al.,  
for identification as Mississippi Choctaws, M C R 4487.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Edinburg, Mississippi, January 6th, 1902.

In the matter of the application of Sallie Martin for the identification of herself and minor son, Jacob, as Mississippi Choctaws.

Said Sallie Martin, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Sallie Martin.  
Q How old are you? A Fifty-two.  
✓ Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Madden.  
Q Do you live in Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake County? A I was raised in Mesheba but moved to Leake and have been there ever since.  
Q Have you ever been in Indian Territory? A Yes.  
Q When were you out there? A About forty years ago.  
Q How long did you stay there? A Nearly a year.  
Q Did you get any money from the Government while you were out there? A Yes, I went out there and got some money but I didn't get my own money-got some of my mother's money.  
Q Was your mother there with you at that time? A No. She was dead here before I went out there.  
Q How much money did you get out there? A I got fifty dollars; Campbell Leflore brought her one hundred dollars and he kept fifty of it and gave her fifty dollars.  
Q Where did Campbell Leflore bring that money to you? A Right close to where Leflore lived, near Ofahoma in Leake County.  
Q Who did you go to the Territory with? A With a man by the name of Elijah, a Choctaw; I heard Bessie, my mother, had some money there and I went out there with a Choctaw Elijah.  
✓ Q Were you married at the time you went out there? A Yes.  
Q What was your husband's name? A Martin Washook.  
Q Did any of your ancestors ever go out there? A Yes, my grandmother and my uncle went out there.  
Q What were their names? A My uncle's name was Fah-kissin.  
Q What was your grandmother's name? A Hi-mah-kah-to-nah.  
Q When did they go out there? A They went with me, they died out there.  
Q Are those two of your ancestors all who ever moved to Indian Territory? A Yes, that's all I ever knowed of.  
✓ Q Is your father living? A No, dead.  
✓ Q What was his name? A John Billey.  
Q Did he have a Choctaw name, too? A No.  
Q Have you a Choctaw name? A No.  
Q Is your mother living? A Dead.  
✓ Q What was her name? A Bessie.  
Q Did Bessie have a Choctaw name? A No, that's all.  
Q Do you know the name of your father's father? A No.  
Q Or of your father's mother? A I don't know.  
Q Do you know the name of your mother's father? A I don't know.  
Q Or of your mother's mother? A I don't know.

Sallie Martin et al---2

Q You spoke a while ago of going to the Territory with your grandmother, was she your mother's mother or your father's mother? A My mother's mother.

✓ Q Was your father a full blood Choctaw? A Yes.

✓ Q Was your mother a full blood Choctaw? A Yes.

Q Did both of them always live here in Mississippi? A Yes.

Q Do you know the names of any other of your ancestors except your father and mother and your mother's mother? A No.

Q Are you married? A Yes.

Q Is your husband living? A No, dead.

✓ Q What was his name? A Martin Weshook.

✓ Q Was he a full blood Choctaw? A Yes.

Q Did he always live here in Mississippi? A Yes.

Q How long has he been dead? A Nine years.

Q About how old was he when he died? A Forty years old.

Q Were you married more than once? A Just once.

Q Have you any children living who are under 21 years of age and unmarried? A Yes, Jacob.

Q How old is Jacob? A Nineteen.

Q Is he living with you at this time? A Yes.

Q Is he the child of yourself and Martin Weshook? A Yes.

Q Has he always lived here in Mississippi? A Yes.

Q This application then is for yourself and one minor son, is that correct? A Yes.

✓ Q What is the name of Martin's father? A Weshookshemah.

✓ Q What is the name of Martin's mother? A I don't know the name.

Q Did Martin have a Choctaw name? A No.

Q Did you ever see Weshookshemah? A Yes.

Q When did he die? A I don't remember when he died.

Q Did he die before you went to the Territory or after? A Before I went to the Territory.

✓ Q Was he a full blood Choctaw? A Yes.

Q Where did he live? A Close to Ben Leflore's place, near Carthage in Leake County.

Q Didn't you ever hear of Martin having a Choctaw name? A No.

Q Did Martin have any brothers or sisters older than he? A Yes.

Q Can you name some of them? A John Weshook.

Q Did he have a Choctaw name? A No.

Q Do you remember the name of any other of his brothers or sisters? A Louis, his brother.

Q Did Louis have a Choctaw name? A That's all I ever heard.

Q Did you ever hear of a brother by the name of Afamatubbee? A

Yes, I remember now, that was John Weshook's Choctaw name.

Q Did you ever hear the name of Klamaintubbee? A No.

Q Did you ever hear of the name of Panabbee? A No.

Q Was John older than Martin? A Yes.

Q How much older? A About four years.

Q Did you ever hear of his having a sister by the name of Hoteiah? A No.

Q Or Mamatonah? A That was my brother's wife. She was the daughter of Weshookshemah.

Q And she was a sister of Martin? A Yes.

Q Did Martin ever have a sister by the name of Ogleusta or Hecha?

A I don't know.

Q Or Tilly? A That is the daughter of Weshookshemah.

Q Or Oklanwah? A I don't know.

Q Katona? A I don't know.

Sallie Martin et al---3

Q Hoyo? A Yes, daughter of Weshookshenohah.

Q Did Martin ever have a sister by the name of Chafahona? A I don't know.

Q Or one by the name of Anah? A I don't know.

Q Is your name or the name of your minor son, Jacob, to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or this child, to be admitted or enrolled as members of the Choctaw Tribe? A No.

Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or this minor child under the act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any kind before today for yourself or this child to be admitted or enrolled as members of the Choctaw Tribe of Indians? A Yes, at Philadelphia a three years ago.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, her minor sons Tommie and Jacob and minor grand-daughters Ana and Leona Hickman, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 254, also upon page 58 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 871 to 875 inclusive and respectively therein.

Q Is this application made three years ago for yourself and children and grand-children, above named, the only application of any kind that has ever been made for any of you? A Yes.

Q Is Tommie living now? A Yes.

Q Is he of age? A Yes.

Q Is he married? A Yes.

Q What is his wife's name? A Emma.

Q When did he marry her? A Last July.

Q Is Tommie the son of yourself and Martin Weshook? A Yes.

Q Is Ana Hickman living? A Yes.

Q Where does she live? A Up on Yocknuckany River in Leake County.

Q Is she married? A Yes.

Q What is her husband's name? A Danille Billey.

Q Is he Willis Billey's son? A Yes.

Q Is Leona living? A Dead, died about two years ago.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one son, Jacob, under Article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that Article 14 of the treaty of Dancing



The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of these who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here might do so and might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors or any of the ancestors of Martin Wash ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under it? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, at the time this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A Yes.

Q You are quite sure they were recognized members of the Tribe here at that time-that is, they belonged to the Tribe and received benefits as such? A Yes.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1830 and 1835? A I don't know.

Sallie Martin et al---5

Q What one of your ancestors or of the ancestors of Martin Weshock was a recognized member of the Choctaw Tribe of Indians here in 1830, at the time the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of your ancestors or any of the ancestors of Martin Weshock within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Never heard of it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of your ancestors or any of Martin Weshock's ancestors ever receive any land here in Mississippi from the Government of the United States? A I don't know.

Q Did any of the ancestors of Martin Weshock ever get any money from the Government or did he ever get any money from the Government? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them under the act of Congress under which they were appointed and a later act of Congress which was approved the 28th day of February, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1838, providing for the appointment of another

Sallie Martin et al---6

Commission to come down here and finish up the hearing of these cases. This Commission was appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of the ancestors of Martin Weshook ever appear before either of these Commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Never heard of it.

On page 242 of Volume 1 of the records of the Court of Claims in the case of the Choctaw Nation of Indians vs the United States, No. 12742, appears the case of Captain Weshookshahoma, it appearing that he lived at the time of the treaty on Sec. 25, Tp. 11, Range 13 East; that he appeared before the Commission appointed under the act of Congress approved March 3, 1837, and attempted to establish his rights under article 14 of the treaty of Dancing Rabbit Creek; that he proved a continued residence on the land above described for more than five years after the ratification of the treaty and that he attempted to notify Agent Ward of his intention to remain and take land under article 14 of the treaty; that his case was passed upon favorably by said Commission and their decision was affirmed by President John Tyler on the 3rd day of March, 1843; said letter of affirmation being found on page 306 of said volume one of the records of the Court of Claims.

Q Do you know of any old person living who would like know whether any of your ancestors or any other of the ancestors of Martin Weshook ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses heretoday whose testimony you desire to have taken in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission here at any time before the 10th of this month or between January 15th and February 15th at Meridian, Mississippi, or within a reasonable time thereafter at the general office of the Commission in Muskogee Indian Territory, and their testimony will be taken.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled



Sallie Martin et al---7

to select, in lieu thereof, land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of the ancestors of Martin Washock ever receive any of this scrip from the Government of the United States under this act of Congress? A I used to see scrip belonged to my uncle Tuscanola but during the war a man burned the house up and it was burned.

Q Was this scrip received by your uncle Tuscanola under the act of Congress approved August 23, 1842? A I don't know.

Q Did you ever hear Tuscanola say where he got this scrip? A No sir.

Q Did Tuscanola ever get any land from the Government here in Mississippi? A I don't know.

Q Was he older or younger than your mother? A Younger than my mother.

Q Don't you remember that your mother had a Choctaw name? A I don't remember. Only called Bessie.

Q Have you any brothers living? A No.

Q Have you any sisters living? A No, all dead.

Q Have you any brothers or sisters dead who left children? A There was one but she died.

Q Then, there are none of the children of any of your brothers or sisters that are living now? A No.

Q Are any of your husband's brothers or sisters or any of their children living? A No, all dead.

Q Are any of your father's brothers or sisters or any of their children or grandchildren living? A No. My sister got two children living.

Q What are their names? A Bessie was my sister.

Q What are the names of these children? A Robert Isom and Albert Isom.

Q What was the name of their father? A Henry Isom.

Q Where do these boys live? A In Neeshoba, across Pearl River.

Q Are any of your mother's brothers or sisters or any of their children or grandchildren living? A I don't know.

Q Are any of your husband's father's brothers or sisters or any of their children or grandchildren living? A None living.

Q Are any of your husband's mother's brothers or sisters or any of their children or grandchildren living? A All of them dead.

Q What are the names of your children who are of age or married?

A Mat, the wife of Charlie Jacoway.

Q Next one? A Seely Jacoway, the wife of Davis Jacoway.

Q Next? A Elizabeth, the wife of Wes Amos.

Q Have you any more daughters living? A No.

Q Have you any son who is of age? A Yes, one, his name is Tom.

This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter.

W. S. Miles, being first duly sworn, states that as stenographer

Gallie Martin et al---8

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 6th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. B. Massey*  
Subscribed and sworn to before me this the 8th day of January, 1902,  
at Edinburg, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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*CW*  
In the matter of the application of Sallie Martin, et al.,  
for identification as Mississippi Choctaws, M C R 4487.

-----: D E C I S I O N :-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 6, 1902, by Sallie Martin, for herself, and her minor  
son, Jacob Martin, under the following provision of the act of Con-  
gress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

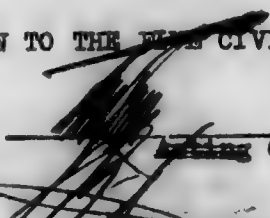
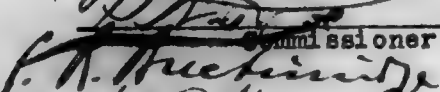
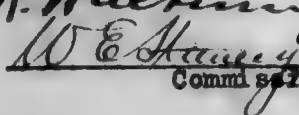
"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of  
any Mississippi Choctaw Indians whether of full or mixed blood  
who received a patent to land under the said fourteenth article

(2)

of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sallie Martin and Jacob Martin should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

APR 17 1903



COPY,

M.S.R. 4437

Muskogee, Indian Territory, April 17, 1903.

Kansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Sallie Martin and her child, Jacob Martin, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sallie Martin and her child as Mississippi Choctaws, and such satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of fully identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tamie Barry.*

Registered.  
May 1, 1903.

Chairman.

M.O.R. 4487

COPY.

Muskogee, Indian Territory, May 4, 1903.

Salie Martin,

Madison, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your son, Jacob Martin as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw- Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Fish Springs, Chickasaw Nation.

Respectfully,  
(SIGNED)

Tama Blacky.

Commissioner.

Registered.

May 4, 1903

M.C.R. 4487

COPY

Muskogee, Indian Territory, May 4, 1903.

Callie Martin,

Madden, Mississippi.

*Remailed Ref. I. T. Dec. 10. 1903.*

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your son, Jacob Martin as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tams Dixby*

Chairman.

Registered.

M.C. 4487.



W.C.R. 4487

*Red*

DEC 11 1903

JOSEPH IND. TEL. 1

DEPARTMENT OF THE INTERIOR,  
MISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
FEB 1 1904

*[Signature]*

CHAS. H. HARRIS

*RE*, REGISTERED  
JAN 28 1904

ROFF H T

JAN 29 1904

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Department of the  
Commission to the Five  
MUSKOGEE, IN  
OFFICIAL BUSINESS  
Penalty for private

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*Willie Martin*  
RETURN TO WALTER  
RETURN TO WALTER  
RETURN TO WALTER

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 8 1903



Commissioner

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Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



AL BUSINESS.

private use, \$300.

Sallie Martin,

Madden, Mississippi.

REGISTERED  
MAY 6 1903  
MUSKOGEE, IND. TER.

June 1-03

#/608

No. 4187

For Identification as a Mississippi Choctaw.

Edinburg Miss

Date JAN 6 1902

Name Sallie Martin

Age 52

Blood full

Post Office, Madden, Miss.

Father: John Billee

Mother: Bessie

Claims through both parents..

husband: Martin Mshock (full) d

(Claims for self and one child.)

(See Miss. Choct. Card filed No. 254.)

Children:

Jaerob Martin

19

Mother of Bessie Hi-mah-lah-to-nah-

Father of Martin M-shock-she-ho-moh-

Stenographer

J. J. Stiles

Choctaw MCR 4488

Nannie Martin

MCR 4488

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nannie Martin, et  
al., for identification as Mississippi  
Choctaws, M C R - 4488

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nannie Martin, et al.,  
for identification as Mississippi Choctaws, M C R 4488.

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-----:I N D E X:-----

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|   | Page |
|---|------|
| Original application of Nannie Martin, et al.,<br>for identification as Mississippi Choctaws, ----- | 1    |
| Decision of the Commission identifying the<br>above applicants,-----                                | 8    |

-o-

4488

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Edinburg, Mississippi, January 6th, 1902.

In the matter of the application of Nannie Martin for the identification of herself and minor daughter Neely Wilson as Mississippi Choctaws.

Said Nannie Martin, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Nannie Martin.  
Q How old are you? A About thirty.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Madden, Leake County.  
Q Do you live in Leake County? A Neshoba County.  
Q How long have you lived in Neshoba? A Ever since last August.  
Q Where did you live before that? A In Leake County.  
Q How long did you live in Leake County? A Born and raised in Leake County.  
Q Is your father living? A Yes.  
Q What is his name? A Wes Amos.  
Q Where does he live? A Leake County, near Freetrade.  
Q About how old is your father? A I don't know.  
Q Is he a full blood Choctaw? A Yes.  
Q Is he the Wes Amos who appeared here before the Commission last Saturday, the 4th of this month? A Yes.  
Q Has he a Choctaw name? A No.  
Q Do you know the name of Wes' father? A I don't know.  
Q Or of his mother? A I don't know.  
Q Has Wes always lived here in the State of Mississippi? A Yes.  
Q Is your mother living? A No.  
Q What was her name? A Margaret.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Was she older than your father or younger? A I don't know.  
Q Were they anywhere near the same age? A I reckon about the same.  
Q Did she have a Choctaw name? A If she did I never heard.  
Q Do you know the name of your mother's mother? A Yes.  
Q What is it? A Sockey.  
Q Is she living? A Dead.  
Q Did she have any other name? A That's all I ever heard.  
Q How long has Sockey been dead? A About six years.  
Q Did she always live in the State of Mississippi? A Yes.  
Q Was she a full blood Choctaw? A Yes.  
Q Do you know the names of any of your ancestors except your father and mother and your mother's mother, Sockey? A No.  
Q Are you married? A Yes.  
Q Is your husband living? A Yes.  
Q What is his name? A Tom Martin.  
Q Is he a full blood Choctaw? A Yes.  
Q How long have you been married to him? A Ever since August last.  
Q Were you married to him under a license or according to Choctaw custom? A Choctaw custom.  
Q Did Tom Martin appear before the Commission at Meridian, Mississippi, on the 6th day of last August and make application for identification as a Mississippi Choctaw? A Yes. 1

Hannie Martin et al---2

Q How long after he appeared there was it that you were married to him? A Just a few days, less than a week.

The records of the Commission show that on the 5th day of August, 1901, Tom Martin, the husband of this applicant, appeared before the Commission at Meridian, Mississippi, and made application for identification as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card Field No. B-3190.

Q Have you been married more than once? A Yes.

Q How many times? A Once before this.

Q What was your first husband's name? A Grandison Wilson.

Q Is he living? A No.

Q How long has he been dead? A Three years next March.

Q Was he a full blood Choctaw? A Yes.

Q Always lived in Mississippi? A Yes.

Q Have you any children by him? A Yes.

Q How many? A One.

Q What is that child's name? A Neely.

Q Boy or girl? A Girl.

Q How old is she? A Four years old.

Q Is that all the children you have? A Yes.

Q This application then is for yourself and one minor child, is that correct? A Yes.

Q Do you know the name of Grandison's father? A Yes, Wilson.

Q Did he have any other name besides Wilson? A Not that I heard of.

Q Where did he live? A Up on the Yeknookeny River, in Leake County.

Q Is he living now? A No.

Q How long has he been dead? A I don't remember how long.

Q Was he a full blood Choctaw? A Yes.

Q Always lived here in Mississippi? A Yes.

Q Do you know the name of Grandison's mother? A Yes.

Q What is her name? A Julia.

Q Is she living? A Yes.

Q Where does she live? A In Leake County.

Q Where? A Near Freestade.

Q She is the wife of Ellis Sam, is she? A Yes.

Q Has she any other name besides Julia? A Con-cha-ha-nah, her Choctaw name.

Q Do you know the names of any other of the ancestors of Grandison Wilson? A No.

Q Have all of your ancestors and all of the ancestors of Grandison Wilson been full blood Choctaw Indians? A Yes.

Q Have all of them always lived in Mississippi? A Yes.

Q Is your name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe or did anyone else ever make such an application for you?

A No.

Q Did you or did anyone for you in the year 1906 make application to this Commission for citizenship in the Choctaw Nation under the

act of Congress approved June 10, 1896? A I don't know.

Q Have you ever made any application of any kind before today for yourself or this minor child or has anyone else ever made such an application for you? A Three years ago at Carthage, Mississippi, my husband made application for me.

The records of the Commission show that on the 25th day of January, 1899, application was made to this Commission at Carthage, Mississippi, for the identification of this applicant and her minor child Neely as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 86 as Hannie and Neely Wilson, also on page 41 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 207 and 208 thereon.

Q Is this application made for you three years ago at Carthage by your husband, Grandison Wilson, the only application of any kind that has ever been made for either yourself or your child? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand this 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to move and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be



entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of the ancestors of Grandson Wilson ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Never heard.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them live here at that time? A If they did I don't know it.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know what they wanted to stay here in Mississippi and take land and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Never heard.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors or any of the ancestors of Grandson Wilson ever having gotten any land here in Mississippi from the Government? A Never heard.

Q Or any money from the Government? A Never heard that.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to stay here and become citizens and take land under article 14. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they

wanted to stay here and take land, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a subsequent act of Congress approved February 22nd, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings; so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here to Mississippi and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here in the forties and heard a great many of these cases.

Q Did any of your ancestors or any of the ancestors of Grandison Wilson appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been taken from him and sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of the ancestors of Grandison Wilson ever receive any of this scrip from the United States Government under this act of Congress? A Never heard.

Q Were any of your ancestors or any of the ancestors of Grandison Wilson ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such? A I don't know.

Hannie Martin et al---6

Q Did any of them ever live in Indian Territory? A I don't know.  
Q Do you know of any person living who would likely know whether any of your ancestors or any of the ancestors of Grandison Wilson ever complied or attempted to comply with the provisions of Article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.  
Q Have you any witnesses here today to testify in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application, they may appear before the Commission here at Edinburg at any time before the 10th of this month or at Meridian, Mississippi, between January 15th and February 15th next, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory and their testimony will be taken.

Q Have you any brothers living? A One living.  
Q A full brother? A Yes.  
Q What is his name? A John Wes.  
Q Where does he live? A Up in Newton County.  
Q Have you any sisters living? A A Half sister but no full sister.  
Q What is the name of your half sister? A Martha, and another one named Lula.  
Q Is that all? A Yes.  
Q Have you any half brothers living? A Four.  
Q What are their names? A Jasper, Willie, Cleveland and Bennett.  
Q Is that all? A Yes.  
Q Has Grandison Wilson any full brothers living? A No. No full brothers or sisters, but half sisters.  
Q What are the names of his half sisters? A Jane, the wife of Sam Joshua.  
Q Next one? A Louisa, the wife of Jimmie.  
Q Jimmie what? A I don't know other name.  
Q What is the name of the other one? A Dannie, the wife of Wilson Betsey.  
Q Next one? A Laura Ben, the wife of Madison Ben.  
Q Is that all of his half sisters? A No, Hannie, the wife of Ben Primus; they are separated now.  
Q Is that all of Grandison's half sisters? A Yes.  
Q Has he any half brothers living? A Two.  
Q What are their names? A Millen Sam.  
Q Next one? A Fountain Sam.  
Q Are any of your father's brothers or sisters or any of their children living? A One sister living.  
Q What is her name? A Mary Jane Scott.  
Q Are any of your mother's brothers or sisters or any of their children living? A One living.  
Q What is the name? A Billy Johnson.  
Q Where does he live? A In Leake County, near ~~Centerville~~ Carthage.  
Q Are any of Grandison Wilson's father's brothers or sisters or any of their children living? A I don't know.



Minnie Martin et al--37

Q Are any of his mother's brothers or sisters or any of their children living? A No.

This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language but very little English, the examination having been conducted entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Edinburg, Mississippi, January 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 8th day of January, 1902, at Edinburg, Mississippi.

*L. B. Mosley*

Clerk U. S. Circuit Court, Southern District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

*Cow*  
In the matter of the application of Nannie Martin, et al.,  
for identification as Mississippi Choctaws, M C R 4488.

---D E C I S I O N---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 6, 1902, by Nannie Martin, for herself, and her minor  
daughter, Neely Wilson, under the following provision of the act of  
Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.


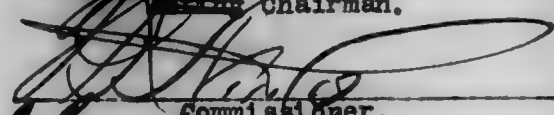
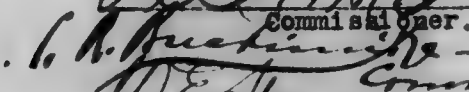
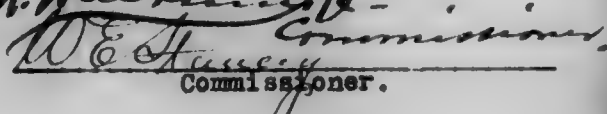
Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 541), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of  
any Mississippi Choctaw Indians whether of full or mixed blood  
who received a patent to land under the said fourteenth article  
of the said treaty of eighteen hundred and thirty who had not

moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Nannie Martin and Neely Wilson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.  
  
Commissioner.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

APR 17 1903

COPY.

M.C.R. 4488.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations.

South Hollister, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Hannie Martin and her child, Neely Wilson, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Hannie Martin and her child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED, *Tame Bixby*.

Registered.  
Enc., 4488.

Chairman.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Nannie Martin,

Madden, Mississippi

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your minor child, Neely Wilson, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,  
SIGNED

Registered.

Enc. 4486

*Tame Dixby.*  
Chairman.

COPY

M.F.R. 4488

Muskogee, Indian Territory, May 4, 1903.

Hannie Martin,

Madden, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your minor child, Neely Wilson, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 841).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until, May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tamie D. Dyer*  
Chairman.

Registered.

Enc. 4488



#1609

No. 4188

For Identification as a Mississippi Choctaw.  
Edinburg, Miss.

Date JAN 6 1902

Name Nannie Martin.

Age 30

Blood Full

Post Office, Madden, Miss.

Father: Wm Amos

Mother: Margaret

Claims through both parents.  
hus band:

Tom Martin

Name of Tom Martin appears on Miss. Choct. card  
filed No. R-3190. Appearance 8/5/01.)

Claims for self & one child)  
(see Miss. Choct. card filed No. 56.)

Children:

Neely Wilson

Father: Grandison Wilson (full)

(Ancestors)

Mother of Margaret & Sooker

Mother of Grandison

Other:

Wilson

Julia Sam

(Kon-cho-ko-nah)

Stenographer

J. J. Nicks.



Choctaw MCR 4489

Jim Isaac

(Tin-cha)

MCR 4489

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----oOo----

In the matter of the application of Jim Isaac(Tin-cha)  
et al., for identification as Mississippi  
Cheetaws,---M C R 4489.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jim Isaac (Tin-cha),  
et al., for identification as Mississippi Choctaws, M C R 4489.

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| Testimony of Mary Isaac taken at Edinburg, Miss-<br>issippi, January 8, 1902,-----                    | 8    |
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-0-

4489

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Edinburg, Mississippi, January 6th, 1902.

In the matter of the application of Jim Isaac for the identification of himself and his wife, Mary, as Mississippi Choctaws:

Said Jim Isaac, being first duly sworn, testified as follows:  
(Oscar Bolley, official interpreter).

Examination by the Commission.

- Q What is your name? A Jim Isaac.  
Q Have you a Choctaw name? A Tin-cha.  
Q How old are you? A I am sixty-eight years old.  
✓ Q How much Choctaw blood are you? A Full blood.  
Q What is your postoffice address? A Hope.  
Q Neshoba County, Mississippi? A Yes.  
Q How long have you lived in Neshoba County? A Born and raised there.  
Q Lived there all your life, have you? A Yes.  
✓ Q Is your father living? A No.  
✓ Q What was his name? A Isaac.  
Q Is that all the name he had? A Yes.  
✓ Q Didn't he have a Choctaw name? A Nah-kah-ni-o-kah-tubbee.  
Q How long has he been dead? A I don't know--went out to the Territory.  
Q How long ago did he go to the Territory? A About forty years ago, at the time of the war.  
✓ Q Was he a full blood Choctaw? A Yes.  
Q Did you ever hear from him after he went out there? A Never did.  
Q You don't know whether he was admitted to citizenship out there in the Choctaw Nation? A I don't know.  
Q How old do you think your father would be if he were living here now? A About ninety years old.  
Q Had he lived in Mississippi here all his life until he went to the Territory during the Civil war? A Yes.  
Q Do you know the name of your father's father? A I don't know.  
Q Or his mother? A I don't know.  
✓ Q Is your mother living? A Dead.  
✓ Q What was her name? A Ho-ti-nah.  
✓ Q Was she a full blood Choctaw? A Yes.  
Q Did she always live here in Mississippi? A Yes.  
Q How long has she been dead? A Over thirty years.  
Q She died since your father went to the Territory, did she? A Yes.  
Q Was she living here in Leake County when she died? A In Neshoba.  
Q Was she older or younger than your father? A She was older.  
Q How much older? A I don't know how much older.  
Q Where were you born? A In Neshoba, two miles from here.  
Q Do you know the name of your mother's father? A I don't know.  
Q Or of her mother? A I don't know.  
Q Do you own any land here in Mississippi? A Yes.  
Q From whom did you get that land? A A white man.  
Q When? A About thirty years ago.  
Q Are you married? A Yes.  
✓ Q Is your wife living? A Yes.

- ✓ Q What is her name? A Mary.  
Q Are you living with her now? A Yes.  
Q How long have you been living with her? A I don't know.  
Q About how long? A About fifty years.  
Q Have you ever been married more than once? A No.  
Q Has she? A Yes, she was married more than once.  
Q Did her first husband die before you married her? A Yes.  
✓ Q Is your wife a full blood Choctaw? A Yes.  
Q Do you want to make application for her too? A Yes.  
Q How old is she? A About seventy-five, right smart older than I am.  
Q Has she always lived here in Mississippi? A Yes.  
Q Has she a Choctaw name? A Yes.  
Q What is that name? A Hoki.  
Q Is your wife's father living? A No.  
✓ Q What was his name? A Wesheckshehomah.  
Q Do you remember Wesheckshehomah? A Yes.  
Q When did he die? A About fifty years ago.  
Q Where did you see him? A Over about Carthage.  
✓ Q He was a full blood Choctaw, was he? A Yes.  
Q Was this Wesheckshehomah, your wife's father, a Captain here in the early days? A Yes.  
Q Did Wesheckshehomah live here all his life, in Mississippi?  
A Yes.  
Q What was the name of his father? A I don't know.  
Q Or his mother? A I don't know.  
✓ Q What was the name of your wife's mother? A I don't know.  
Q How long has she been dead? A Died about the same time, about fifty years ago.  
Q Did you ever see her? A Yes.  
✓ Q She was a full blood Choctaw? A Yes.  
Q She lived here all her life, did she, in Mississippi? A Yes.  
Q Have you any children living who are under age and unmarried for whom you want to make application? A No.  
Q This application then is for yourself and wife only? A Yes.  
Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or wife to be admitted or enrolled as members of that Tribe? A No.  
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or your wife under the act of Congress approved June 10, 1896? A Not that I know of.  
Q Have you ever made any application of any kind before today for yourself and wife? A Yes, three years ago at Philadelphia.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant and his wife Mary as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 228, also on page 64 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March ~~February~~ 10th, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory.



Jim Isaac et al--3

ritory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 783 and 784 respectively thereon.

Q Is this application made for you three years ago the only application of any kind that has ever been made for you? A Yes.

Q Was your mother ever known as Becky? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied now by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who desired to remain here might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue, said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Jim Isaac et al---4

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under this article? A I don't know.  
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of them living here at the time the treaty was made? A I don't know.

Q Where were your parents living three years before you were born, do you know? A Out here two miles.

Q East of here in Neshoba County? A Yes.

Q Do you know whether they owned any improvement here at that time, or not? A Yes.

Q Do you know what that improvement consisted of? A Less than ten acres, may be about six acres.

Q What buildings did they have? A A pole house.

Q From whom did you get this information? A I reckon in the time of the treaty they lived three miles south of here and after I was born they moved to a point about two miles east of here.

Q At the time of the treaty, 71 years ago, did they have any improvement on this place five miles south of Edinburg that they owned?

A I reckon so.

Q Did you have any brothers or sisters older than you? A One brother older.

Q Any sisters? A No.

Q How much older than you was that brother? A Over a year, I reckon.

Q Where was your wife living at the time the treaty was made--she was about four years old according to your testimony at the time the treaty was made--where was she living at that time? A Down here in Leake County.

Q Did her father, Weahockshehoma own an improvement here at that time? A Yes.

Q Do you know of what that improvement consisted? A About fifteen acres.

Q What buildings did he have? A Two little pole houses.

Q How did you find out about these improvements? A I seen them when I was little boy.

Q You are sure that he was living on that same place where he lived when you were a little boy and saw the place, at the time the treaty was made? A Yes sir.

Q Do you know whether any of your ancestors or any of your wife's ancestors were ever recognized members of the Choctaw Tribe of Indians at the time the treaty of Dancing Rabbit Creek was made?

A If they were, I don't know it.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.



Jim Isaac et al---5

Q Or under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government? A No.

Q Did you ever hear of any of them ever having gotten money from the Government? A No.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received from the Government? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases and it, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these cases. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi in the fall and heard a great many of these Choctaw cases.

3

Q Did any of your ancestors or any of your wife's ancestors appear

Jim Isaac et al--6

before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

On page 242 of Volume 1 of the records of the Court of Claims in the case of the Choctaw Nation of Indians vs the United States, No. 12742, appears the case of Captain Weshockshohoma, it appearing that he lived at the time of the treaty on Sec. 26, Tp. 11, Range 13 East; that he appeared before the Commission appointed under the act of Congress approved March 3, 1837, and attempted to establish his rights under article 14 of the treaty of Dancing Rabbit Creek; that he proved a continuous residence on the land above described for more than five years after the ratification of the treaty and that he attempted to notify Agent Ward of his intention to remain and take land under article 14 of the treaty; that his case was passed upon favorably by said Commission and their decision was affirmed by President John Tyler on the 3rd day of March, 1845; said letter of affirmation being found on page 300 of said volume one of the records of the Court of Claims.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever get any of this scrip from the United States Government? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors, except Weshockshohoma, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today whose testimony you desire to introduce in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at this place at any time before the 10th of this month or at Marietta, Mississippi between January 15th and February 15th, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Jim Isaac et al---7

- Q Have you any brothers or sisters living? A No.  
Q Are any of the children or grandchildren or any of your brothers or sisters living? A Yes, my sisters children are living.  
Q What are their names? A Stephen Jim.  
Q Where does he live? A Near Philadelphia.  
Q What are the names of some more of your sister's children? A Mary Jane Nubbee, the wife of Simon Nubbee.  
Q Is that all of them? A Yes.  
Q They are all the descendants of any of your brothers or sisters who are living, are they? A Yes, that's all.  
Q Have you any children living who are of age? A Yes.  
Q What are their names? A Dixon Isaac.  
Q Next one? A Wilson Jim Isaac.  
Q What is the name of another one? A Jim Steve.  
Q Is Jim Married? A Yes.  
Q What is his wife's name? A Lillie.  
Q What is the name of another one of your children? A Adam Jim.  
Q What is the name of another one of your children? A Sophie, the wife of Johnson Willis.  
Q What is the name of another one? A Nancy Wait.  
Q What is the name of another one of your children? A That's all.  
Q Have you any children dead? A No.  
Q Are all these children the children of yourself and Mary? A Yes.  
Q Are any of Mary's brothers or sisters living? A No.  
Q Are any of their children or grandchildren living? A I don't know.  
Q Are any of your father's brothers or sisters or any of their children or grandchildren living? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their children or grandchildren living? A I don't know.  
Q Are any of your wife's father's brothers or sisters or any of their children or grandchildren living? A I don't know.  
Q Are any of your wife's mother's brothers or sisters or any of their children or grandchildren living? A All dead.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira B. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 6th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 9th day of January, 1902, at Edinburg, Mississippi.

*L. B. Massey*  
L. B. Massey  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.  
By *[Signature]* Deputy.

4489

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Edinburg, Mississippi, January 8, 1902.

In the matter of the application of Jim Isaac, et al.,  
for identification as Mississippi Choctaws.

Mary Isaac, having been first duly sworn, upon her oath  
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Mary Isaac, or Unah-ho-ka.  
Q Are you married? A Yes.  
Q What's your husband's name? A Jim Isaac.  
Q Has he a Choctaw name? A Tintcha.  
Q Is he the Jim Isaac who appeared before the Commission at this  
place on the 6th of this month and made application for the identifi-  
cation of himself and you as Mississippi Choctaws? A Yes.  
Q Are you a full blood Choctaw? A Yes.  
Q Have you always lived here in the State of Mississippi? A Yes.  
Q How old are you? A Eighty three.  
Q Is your father living? A Dead.  
Q When did he die? A About thirty years.  
Q Did he always live in the State of Mississippi? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q What was his name? A Choctaw name is Te-nubbee. English name,  
Washockshemah.  
Q Was your father a captain among the Choctaws? A Yes.  
Q Is your mother living? A No.  
Q What was her name? A Fable.  
Q Was she a full blood Choctaw? A Yes.  
Q And your father was a full blood Choctaw? A Yes.  
Q Did Fable have any other name? A Te-wyi.  
Q Did your mother always live here in Mississippi? A Yes.  
Q How long has she been dead? A She died same year my father died.  
Q Did your father have two wives at the same time? A Yes.  
Q What was the name of his other wife? A Ish-te-le-nah, she was a  
full sister to my father.  
Q Where were you living seventy one years ago? A Between Edinburg  
and Carthage, in Leake County.  
Q Did your father own an improvement there at that time? A Yes.  
Q Of what did it consist? A My father had thirty or forty acres  
in cultivation, and all of his children were living there with  
him helping him farm at that time.  
Q What buildings did he have there? A Two poles houses.  
Q How old were you, about, when your father moved from that place?  
A About fifteen years old.  
Q How long did your father live there? A I don't know how long he  
lived there, but he lived there before I was born.  
Q Where did he move to from that place? A About a mile this side of  
Leake's place, near Okahoma, in Leake County.  
Q Did you ever have a sister by the name of Tillie? A Yes.  
Q Was she elder or younger than you? A Younger.  
Q Is she living now? A No, all dead but me.  
Q What was the name of your sister just elder than you? A E-man-  
te-na.



Jim Isaac, et al., 2

- Q Now the name of the next child older than she? A He-tah-ho-nah; there is another one older than her.
- Q What was her name? A A-mah-ho-nah.
- Q Now, what's the name of another one? A That's all the sisters. Now, what was the names of your brothers? A E-lah-pah-nubbee.
- Q Next one? A Kah-lin.
- Q Another one, now? A That was all.
- Q Did you ever have any half brothers or half sisters? A Yes, the children of his other wife.
- Q Give us the names of some of them? A Ho-yo.
- Q Another one, now? A Cha-fa-ho-na.
- Q The next one? A He-te-mah.
- Q Next one? A A-took-la-ho-nah.
- Q Next one? A A-fa-na-tubbee, and Ok-la-no-wah.
- Q Next? A Os-tah-tubbee.
- Q Was he older or younger than you? A Older.
- Q Was he older or younger than your sister, E-man-oa-te-na?
- A Older than her.
- Q Did you ever have a brother by the name of Og-leus-ta? A I reckon that must be Os-tah-tubbee.
- Q Did you ever have any other brothers or half brothers? A Martin.
- Q Did he have a Choctaw name? A No.
- Q Any other brothers or half brothers? A Dick, Choctaw name, Jus-to
- Q Was he older or younger than you? A Younger.
- Q Younger than Tillie too? A Yes.
- Q Did you ever have a half brother, or brother by the name of E-lau-ain-tubbee? A I don't know.
- Q Did you ever have a sister or half sister by the name of He-ta-i-ah? A Yes, half sister.
- Q You forgot her, then, in giving in the names? A Yes.
- Q Did you ever go by the name of He-ka? A Yes, Unah-ho-ka was my right name, but I was sometimes called He-ka.
- Q Did you ever have a sister or half sister named Ma-to-na? A Yes Ma-to-na was my father's oldest daughter, but was not the daughter of either my mother or her sister, but of another woman.
- Q Did you ever hear of your father ever having gotten any land here in Mississippi from the Government of the United States? A No.
- Q Did you ever hear of him getting any money from the Government?
- A Never did hear of it.
- Q Did you ever get any land from the Government? A No.
- Q Do you remember when some commissioners were down here in 1843 and 4, and held sessions here in Leake County where Choctaws went and tried to prove that they were entitled to land here from the Government? A Yes, I remember two places.
- Q At what two places did they hold sessions that you went to?
- A Near Carthage, and on the other side of Low Bucha, a man by the name of Foster lived there, and a heap of Choctaws come there.
- Q Do you remember any of the names of any of these commissioners?
- A No.
- Q Did your father appear before those commissions at that time?
- A Yes.
- Q Didn't you ever hear him say whether he got any land here from the Government after he went before these commissions? A No, never heard whether he got any land.
- Q Did you ever hear whether he got any scrip from the Government?
- A Didn't see any. If he got any scrip he might not tell me, because I was little girl, but he never told me anything about it.

Jim Isaac, et al., v.

Q Did your father ever go to Indian Territory? A No, didn't go.  
Q Did your mother ever go there? A No, she didn't go there.  
Q Were you ever there? A No, I didn't go.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 8th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of January, 1902.

*L. B. Moseley*

Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

*Cur*  
In the matter of the application of Jim Isaao (Tin-cha),  
et al., for identification as Mississippi Choctaws, M C R 4489.

-----:D E C I S I O N:-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 6, 1902, by Jim Isaao, (Indian name Tin-cha), for himself,  
and his wife, Mary Isaao (Indian names Hoki and Unah-ho-ka), under  
the following provision of the act of Congress approved June 28,  
1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such application all  
full-blood Mississippi Choctaw Indians and the descendants of



(2)

any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jim Isaac (Tin-cha), and Mary Isaac (Hoki)(Unah-ho-ka) should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.

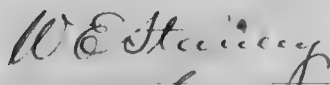
  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

APR 17 1903

  
Commissioner

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Chectaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Jim Isaac (Tin-cha), and his wife, Mary Isaac (Hoki) (Unah-ho-ka), as Mississippi Chectaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (38 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jim Isaac (Tin-cha) and his wife as Mississippi Chectaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Chectaws now being prepared by this Commission.

Respectfully,

SIGNED.

*Jane Bixby.*

Registered,  
 No. 1 4489.

Chairman.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Jim Isaac (Tin-cha),  
Hope, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the five Civilized Tribes, rendered April 17, 1903, identifying yourself and your wife, Mary Isaac (Hoki) (Unah-he-ka), as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*James Bixby*  
Chairman.

Registered.

Enc. 4489.

BY:

M.G.R. 4459.

Wapakong, Indian Territory, May 4, 1903.

Jim Isaacs (Tis-cha),  
Hope, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your wife, Mary Isaacs (Hoki)(Unah-ho-ka), as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tam. D. Doby.  
Chairman.

Registered.

Enc. 4459.

Muskogee, Indian Territory, July 3, 1903.

Jim Isaac,

Trapp, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 12, 1903, in which you state "We want you to inform us whether we can get government aid in removing to the Territory and what steps to take to secure it."

In reply you are informed that the Commission has no means at its disposal for the purpose of assisting identified Mississippi Choctaws in removing to the Indian Territory. Congress appropriated twenty thousand dollars for this purpose, but the Commission has not been advised by the Secretary of the Interior of the means provided for the distribution of the same.

Respectfully,

Commissioner in Charge.

#1610

No. 4189

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date JAN 6 1902

Name

Jim Isaac

Age

68

Blood

full

Post Office,

Hope,

Miss.

Father:

Isaac  
nah-kah-ni-o-kah-tubbee d

Mother:

Ho-ti-nah d

wife

Claims through

both parents.

Mary Isaac

(full) 75

Father =

Ho-Ki-Ho-nah-ho-ka

Mother =

Ho-shock-she-ho-mah = d

Children:

(Claims for self & wife)

(See Miss. Choctaw card full)

No. 228)

Names of all ancestors  
whose names are known  
are shown hereon.

Stenographer

J. Stokes.

Choctaw MCR 4490

Francis M. Jackson

See MCR 5394, 5395, 5396, 5397

MCR 4490



**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Francis M. Jackson,  
 et al., for identification as Mississippi Choctaws, consolidating  
 the applications of-

|                              |             |
|------------------------------|-------------|
| Francis M. Jackson           | M.C.R. 4490 |
| Levin T. Jackson, et al      | " 4504      |
| John A. Jackson, et al       | " 4506      |
| James Francis Jackson, et al | " 4508      |
| Jefferson C. Jackson, et al  | " 4507      |

List of papers forwarded to the Secretary of the Interior  
 comprising the record in the consolidated case  
 of Francis M. Jackson, et al.

|   | (Page) |
|---|--------|
| Original application of Francis M. Jackson<br>before the Indian Commission for identification<br>as a Mississippi Choctaw .....       | 1      |
| Affidavit of John Lewis .....   | 7      |
| Affidavit of M. E. Hill ..  | 8      |
| Affidavit of J. B. Savage .....   | 9      |
| Original application of Levin T. Jackson, et al.,<br>before the Indian Commission for identification<br>as Mississippi Choctaws ..... | 10     |
| Marriage license of F. M. Jackson and Mary E. Hall .....  | 15     |
| Original application of John A. Jackson, et al.,<br>before the Indian Commission for identification<br>as Mississippi Choctaws .....  | 16     |
| Marriage certificate of John A. Jackson and<br>Maria A. Hall .....  | 22     |

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Original application of James Francis Jackson, et al.,  
before the Davis Commission for identification  
as Mississippi Choctaws .....23

Marriage certificate of J.F. Jackson and  
Susan Jane McCallay .....23

Original application of Jefferson C. Jackson, et al.,  
before the Davis Commission for identification  
as Mississippi Choctaws .....27

Marriage certificate of J.C. Jackson and C.F. Jackson ...34

Decision of the Commission denying the application  
of Francis H. Jackson, et al., for identification  
as Mississippi Choctaws .....35

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 13, 1902.

4490

In the matter of the application of Francis M. Jackson for identification as a Mississippi Choctaw.

Applicant not represented by attorney:

Francis M. Jackson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A F.M. Jackson.  
Q What does that "F" stand for? A Francis.  
Q What is your age? A Fifty seven.  
Q What is your post office address? A Utica, Indian Territory.  
Q How long have you lived at Utica? A Lived there ten years; nearly eleven.  
Q Where did you live before that? A In Texas ten years.  
Q Where in Texas did you live? A In Fannin County, ten miles South of Donham.  
Q Where did you live before that? A In Tennessee.  
Q How long did you live in Tennessee? A Lived there till '67.  
Q Where were you born? A In Tennessee.  
Q Always lived there, did you, till you moved to Texas? A Yes sir.  
Q What place in Tennessee were you born? A In Boliver, eight miles a little South East of the County Seat.  
Q What is the name of the County seat? A Hardeman County, Boliver is the County seat.  
Q Is your father living? A Yes, he was a few months ago.  
Q What is his name? A Jeff Jackson.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Patsy Jackson.  
Q Through which parent do you claim Choctaw blood? A Through my father.  
Q How much Choctaw blood do you claim? A I claim an eighth myself.  
Q Had your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I think not.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Mary E. Jackson.  
Q Is she now living? A Yes sir.  
Q Is she a white woman? A Yes sir.

Q Do you make any claim for her as having Choctaw Indian blood?  
A No sir.

Q Were your father and mother married? A I don't know that I could exactly tell you. Q Do you know where they were married? A In Tennessee.

Q What place in Tennessee? A I think it was about the middle part of Tennessee.

Q You don't remember the place? A No sir.

Q Have you the proof of their marriage with you? A No sir.

Q Do you think you could introduce proof of their marriage if given time? A I don't know sir, whether I could or not.

Reasonable time will be allowed this applicant to prove the marriage of his father and mother, if he desires to do so.

Q Have you any children under twenty one years of age and unmarried you wish to apply for? A No sir.

Q You make application for yourself alone, do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?  
A Never before this time.

Q Have you made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir, not till now.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?  
A No sir.

Q Is this the first application for citizenship in the Choctaw Nation that you have ever made either to the Choctaw tribal authorities or the authorities of the United States? A Yes sir.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming under the fourteenth article of the treaty of 1830? A I don't know that I do.

Q Did you ever read it or have it explained to you? A No sir; I perhaps have read it.

Q You don't understand that treaty, then, do you, of 1830? A No sir.

Q You understand what a treaty is, don't you? A I don't know that I could explain it.

Q A treaty is an agreement or compact in writing made between two or more Nations; it differs from a compact or contract in writing as made between individuals.

The treaty of 1830 was made between the United States Government and the Choctaw Indians in that year at a place called Dancing Rabbit Creek in the State of Mississippi; the object of that treaty was the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory.

But before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty of 1830; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by



sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now after having heard it read and explained? A Yes, perhaps I do; I think I do.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty?
- A No sir; I don't know.
- Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw-- your grandfather, great-grandfather-----A My grandfather, John Jackson.
- Q What relation was he to you? A He was my grandfather. My father's father.
- Q You claim through him, do you? A Yes sir.
- Q How much Choctaw blood did he have? A He was said to have a half.
- Q What knowledge or information have you that he had a half Choctaw blood? A I was told that by father and mother and he was so recognized by the people who knew him.
- Q Did you know him in his life time? A I have a faint recollection.
- Q How old were you when you knew him? A I was perhaps five or six years old.
- Q What was his personal appearance; what was his physical appearance; in looks? A In looks.
- Q Yes; how did he look? A He looked dark; he was very black headed as well as I can remember.
- Q What was the color of his eyes? A I can't tell you about that; I don't remember much how he looked.
- Q Did he speak the Choctaw language or have a Choctaw Indian name?
- A His name was Jackson. That's the only name I knew.
- Q Where was he born? A I can't tell you.
- Q Where did he die? A Can't tell you that either.
- Q Did he ever live in Mississippi or Alabama? A Yes; my remembrance is what my mother told me; my mother and father told me that they was both in Mississippi when they was young.
- Q Who were? A My father and mother.
- Q I asked you about John Jackson, your grandfather. A Yes; he lived in Mississippi I heard my father say that he lived in Mississippi and emigrated to middle Tennessee.
- Q Did John Jackson, your grandfather, live in Mississippi in 1830 and did he have a family there at that time? A My father says so.
- Q How old would John Jackson be now if he were living? A I can't tell you.
- Q Where was your father born? A In Mississippi- so he says.
- Q How old is he now? A About eighty years.
- Q He was born in Mississippi? A Yes; that's what he says; what I have been told.
- Q He was born then about eighteen twenty one? A Yes; its about eighty years ago.

Q How long did he live in Mississippi from the time of his birth?

A His father said he emigrated when he was about eight or nine years to Middle Tennessee; and then in '44 went home and later was married and went back to Mississippi.

Q Think your father left Mississippi some time before 1830? A No sir; sometime between 1830 and 1840; I remember my father speaking of it.

Q He left Mississippi then for Tennessee? A I have heard of mother father speaking of her father scattering around and moving from Mississippi.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't remember.

Q Did any of your ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 to 1840? A I don't remember that.

Q All you recollect is that they went from Mississippi to Tennessee?

A Yes; all I know is what my mother and father told me.

Q Did any of your ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, whose name was Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know; they never did say.

Q Did any of your ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir; not as I know of.

Q Did any of them ever receive any land or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I never heard them speak of it.

Q Did any of your ancestors claim any benefits whatever under any treaty between the United States Government and the Choctaw Indians other than the treaty of 1830? A No sir; I don't remember.

According to the provisions of the fourteenth article of the treaty of 1830 those Indians who stayed back there in Mississippi or Alabama after the treaty of 1830 was ratified were required to go to the United States Indian agent, Col. Ward, within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. Their names should have been put upon a list or register made by Col. Ward and a few names were placed on what was called Ward's Register but the greater part of the Indians who went to the United States Indian agent under the provisions of article fourteen failed to have their names placed upon any list or register made by him. His failure to make a proper list of all applicants under article fourteen caused many Indians who had land in Mississippi or Alabama to have it taken from them by the Government and sold. This caused so many complaints among the Indians that in 1837 a Commission was appointed by Congress and this Commission went to Mississippi and heard claims under the fourteenth article: in 1842 another Commission was appointed by Congress for the same purpose and this Commission heard claimants under article fourteen of that treaty.

Q Do you know whether any of your ancestors, if Choctaw Indians, went before either of these Commissions and claimed benefits under article fourteen? A No sir; I don't know.

Q How long did he live in Mississippi from the time of his birth?

A His father said he emigrated when he was about eight or nine years to Middle Tennessee; and then in '44 went home and later was married and went back to Mississippi.

Q Think your father left Mississippi some time before 1830? A No sir; sometime between 1830 and 1840; I remember my father speaking of it.

Q He left Mississippi then for Tennessee? A I have heard of mother father speaking of her father scattering around and moving from Mississippi.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't remember.

Q Did any of your ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 to 1840? A I don't remember that.

Q All you recollect is that they went from Mississippi to Tennessee?

A Yes; all I know is what my mother and father told me.

Q Did any of your ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, whose name was Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know; they never did say.

Q Did any of your ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir; not as I know of.

Q Did any of them ever receive any land or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I never heard them speak of it.

Q Did any of your ancestors claim any benefits whatever under any treaty between the United States Government and the Choctaw Indians other than the treaty of 1830? A No sir; I don't remember.

According to the provisions of the fourteenth article of the treaty of 1830 those Indians who stayed back there in Mississippi or Alabama after the treaty of 1830 was ratified were required to go to the United States Indian agent, Col. Ward, within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. Their names should have been put upon a list or register made by Col. Ward and a few names were placed on what was called Ward's Register but the greater part of the Indians who went to the United States Indian agent under the provisions of article fourteen failed to have their names placed upon any list or register made by him. His failure to make a proper list of all applicants under article fourteen caused many Indians who had land in Mississippi or Alabama to have it taken from them by the Government and sold. This caused so many complaints among the Indians that in 1837 a Commission was appointed by Congress and this Commission went to Mississippi and heard claims under the fourteenth article; in 1842 another Commission was appointed by Congress for the same purpose and this Commission heard claimants under article fourteen of that treaty.

Q Do you know whether any of your ancestors, if Choctaw Indians, went before either of these Commissions and claimed benefits under article fourteen? A No sir; I don't know.



The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen and if it also appeared that he had his land taken from him by the Government and sold that he should be entitled to select land either in Mississippi or Alabama or Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A I don't remember.

Q Have you had any relatives who have appeared before this Commission to be identified as Mississippi Choctaws before you? A I don't remember.

Q None of your family or relatives? A No sir.

Q Have you any documentary evidence or any papers that you want to present now in support of your claim? A Yes sir.

Affidavit of John Lewis presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

The Affidavit of R.H.Hill, received, filed, marked Exhibit "B" and made a part of the record in this case.

Affidavit of J.D.Savage, received, filed, marked Exhibit "C" and made a part of the record in this case.

Q Have you any other documents that you want to present? A No sir; that's all.

Q Would you like to be allowed for the taking depositions or for the production of their witnesses, if necessary? A Yes sir.

A reasonable time will be allowed for this purpose.

Q Do you understand the Choctaw language? A No sir; I don't.

Q Is there anything more you want to say? A No sir.

Q Is there any reason for you to believe that your father and mother are not living now? A Their age.

Q Do you know that they are not living? A No sir; I don't.

Q Where do they live? A Hardeman County, West Tennessee.

Q The last you heard they were living? A Yes sir.

Q When did you hear from them last? A It was about the first of November last.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark hair, nearly black, whiskers black, mustache sandy. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the

treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings on January 13, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 13th day of January, 1902.

*Charles M. Hutto*

Notary Public.

J.F.W.  
J.R.B.  
C.V.W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Jackson,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of-

|                              |             |
|------------------------------|-------------|
| Francis M. Jackson           | M.C.R. 4490 |
| Levin T. Jackson, et al      | " 5334      |
| John A. Jackson, et al       | " 5335      |
| James Francis Jackson, et al | " 5336      |
| Jefferson G. Jackson, et al  | " 5337      |

DECISION

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Francis M. Jackson for himself, by Levin T. Jackson for himself  
and his two minor children, Justin and Elmer Jackson, by John A.  
Jackson for himself and his minor child, Ray T. Jackson, by James  
Francis Jackson for himself, his wife, Susan J., and his three minor  
children, Edith, Andrew and Mary Jackson, and by Jefferson G. Jackson  
for himself, his wife, Sara F., and his two minor children, Chester  
and Harry Jackson, under the following provision of the act of  
Congress approved June 14, 1906 (34 Stat., 225):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands

(2)

under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except Susan J. Jackson, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one John Jackson, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and the applicant Susan J. Jackson and her minor children claim rights under said article by reason of being descendants of one Robert McCulley, who is alleged to have been an one-eighth blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 225).


It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were applicants thereunder, that the said John Jackson, or the said Robert



McNalley, or ancestor less remote, signified (in person or by proxy) to Colonel Wm. Clark, Indian Agent, Cheateau Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (5 Stats., 180) and August 23, 1843, (5 Stats., 515).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis M. Jackson, Levin F. Jackson, Justus Jackson, Elmer Jackson, John A. Jackson, Ray F. Jackson, James Francis Jackson, Isaac J. Jackson, Ollie Jackson, Andrew Jackson, Mary Jackson, Jefferson S. Jackson, Oren F. Jackson, Chester Jackson and Harry Jackson as Cheateau Indians, entitled to rights in the Cheateau lands under the provisions of said article fourteen of the treaty of 1860, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVIL TRIBES.

  
C. A. Freeman  
Commissioner.

Washington, Indian Territory,

JUL 23 1902

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 44142--1902.

Washington, August 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 23, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Francis M. Jackson, et al., for identification as Mississippi Choctaws.

This consolidated case embraces the application of Francis M. Jackson for the identification of himself; of Levin T. Jackson, for himself and his two minor children, Justus and Elmer; of John A. Jackson for himself and his minor child, Roy F.; of James Francis Jackson for himself, his wife Susan J., and his three minor children, Ollie, Andrew and Mary; and of Jefferson G. Jackson for himself, his wife, Cera P., and his two minor children Chester and Harry.

The applicants herein claim descent from John Jackson, Cheitubea and Robert McCulley, alleging that they were Choctaw Indians.

An examination of the records of this office fails to show the names of any of the alleged ancestors as have received or attempted to secure the benefits of the fourteenth article of the treaty of 1830.

It is therefore respectfully recommended that the decision of the commission refusing to identify the applicants as Mississippi Choctaws, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

WCV  
D

3 inclosures.



D. C. 14087-1902.

50708.

NAV.

DEPARTMENT OF THE INTERIOR.

Washington, August 23, 1902.

ITD. 5177-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 23, you transmitted the record and your decision of that date, in the consolidated case involving the applications for identification as Mississippi Choctaws, of Francis M. Jackson, of Levin T. Jackson and his minor children, Justus and Elmer Jackson; of John A. Jackson and his minor child, Ray M. Jackson; of James Francis Jackson, his wife, Susan J., and his minor children, Ellie, Andrew and Mary Jackson; and of Jefferson C. Jackson, his wife, Cera F., and his minor children, Chester and Harry Jackson.

All the applicants, except Susan J. Jackson, claim descent from one John Jackson, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830. Susan J. Jackson and her minor children trace their descent from one Robert McCulley, alleged to have been a one-eighth blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that either of said alleged ancestors ever complied or attempted to comply with article

XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You denied the applications.

The Acting Commissioner of Indian Affairs forwarded the papers August 20, 1902, and recommended that your decision be approved. A copy of the Acting Commissioner's letter is inclosed.

Having thoroughly reviewed the case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E M D.

Inclosure.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*Frances M. Jackson.*

*Onlv R. 4490*

COR

H.C.R. 4999.

Mustagee, Indian Territory, July 23, 1902.

Francis M. Jackson,

Uhlen, Indian Territory.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis M. Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                |             |
|--------------------------------|-------------|
| Francis M. Jackson,            | H.C.R. 4999 |
| Levin R. Jackson, et al.,      | " 5394      |
| John A. Jackson, et al.,       | " 5395      |
| James Francis Jackson, et al., | " 5396      |
| Jefferson S. Jackson, et al.,  | " 5397      |

These applications were made under the provision of the act of Congress of June 22, 1890 (26 Stat. 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Seventh of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

227 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis M. Jackson, Levin F. Jackson, Justin Jackson, Elmer Jackson, John A. Jackson, Ray B. Jackson, James Francis Jackson, Susan J. Jackson, Ellis Jackson, Andrew Jackson, Mary Jackson, Catherine G. Jackson, Sara F. Jackson, Chester Jackson and Mary Jackson as Cherokee Indians, entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of 1835, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED:

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 4490.

Muskogee, Indian Territory, July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Francis M. Jackson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 23, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

|                                |             |
|--------------------------------|-------------|
| Francis M. Jackson,            | M.C.R. 4490 |
| Levin T. Jackson, et al.,      | " 5394      |
| John A. Jackson, et al.,       | " 5395      |
| James Francis Jackson, et al., | " 5396      |
| John Henry Jackson, et al.,    | " 5397      |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission; copies of said letters being attached to the report.

Respectfully,

SIGNED

*F. B. Needles.*

Through the Commissioner of  
Indian Affairs.

Commissioner in Charge.



COPY.

M.C.N. 4493.

Muskogee, Indian Territory, July 23, 1902.

Manfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis M. Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                |             |
|--------------------------------|-------------|
| Francis M. Jackson,            | M.C.N. 4490 |
| Kevin T. Jackson, et al.,      | " 4491      |
| John A. Jackson, et al.,       | " 4492      |
| James Francis Jackson, et al., | " 4493      |
| Jefferson G. Jackson, et al.,  | " 4494      |

These applications were made under the provision of the act of Congress of June 22, 1890 (26 Stat. 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision contains as follows:



N H & C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis H. Jackson, Levin T. Jackson, Justus Jackson, Elmer Jackson, John A. Jackson, Ray F. Jackson, James Francis Jackson, Susan J. Jackson, Willie Jackson, Andrew Jackson, Mary Jackson, Jefferson C. Jackson, Gery P. Jackson, Chester Jackson and Harry Jackson as Cheateau Indians, entitled to rights in the Cheateau lands under the provisions of said article fourteen of the treaty of 1867, and that the applications for their identification should be refused, and so it is ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

N. C. R. 4498

COPY.

McAlester, Indian Territory, September 6, 1902.

Hensfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 28d day of August, 1902, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis M. Jackson, et al., of which decision you were advised by mail on the 28d day of July, 1902.

Truly,

*Tams Dixby.*

Acting Chairman.

COPY.

Washoe, Indian Territory, September 5, 1902.

Francis M. Jackson,

Utica, Indian Territory.

Dear Sir:

You are hereby advised that on the 22d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Hiamahiyi Chetons of the several persons included in the consolidated case of Francis M. Jackson, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

Yours truly,

James Dixby.

Acting Chairman.

REFER TO M. C. R. 44-30

Francis M. Jackson  
et al

Consolidated Case

John Jackson 1/2

Jeff or  
Jefferson Jackson 1/4

wife  
Patsy Jackson

Francis M. Jackson 57 1/8

wife  
Mary E. Jackson, w.

Levin J. Jackson 53 1/6

wife  
Eva A. Jackson, w.

Justus Jackson 6

Elmer Jackson 3

John A. Jackson 31 1/6

wife  
1st Louella Jackson  
2nd Lujie A. Jackson, w.

Roy F. Jackson 5

James F. Jackson 30 1/6

wife  
Susan J. Jackson, chse  
Parents of wife  
Father Robert McCullough 1/8  
Mother -  
\* Wife herein applied for as a dau.  
of pr. ap. in Mar 1864

Olie Jackson 7

Andrew Jackson 5

Mary Jackson 2

Jefferson A. Jackson 26 1/6

wife  
Cora F. Jackson, chse  
Parents of wife  
Father D. A. Jackson 1/8  
Mother Mollie E. Jackson  
\* dau for wife

Chester Jackson 4

Harry Jackson 15 mo.

No. 4190

For Identification as a Mississippi Choctaw.

Date

JAN 13 1902

Name *Francis M. Jackson*

Age *57*

Blood

*1/8*

Post Office, *Utica, L. T.*

Father: *Jeff. Jackson, l.*

Mother: *Patsy "*

Claims through

*father*

*wife Mary E. Jackson, l. w.*

*No claim for wife —*

~~Children~~

Claims for self alone

Choctaw MCR 4491

Robert W. Martin

See MCR 203

MCR 4491



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. January 13, 1902.

4491

In the matter of the application for identification as Mississippi Choctaws of Robert W. Martin for himself and his three minor children Robert W., Zada I., and William W. Martin.

Applicants represented by attorney J.E. Arnold.

Robert W. Martin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Robert W. Martin.  
Q What is your age? A Forty-five years.  
Q What is your post office address? A Temple, Bell County, Texas.  
Q How long have you lived at Temple? A Since, eighty-two, twenty years.  
Q Where did you live before that? A Alabama.  
Q What place in Alabama? A Six miles West of Plantersville.  
Q Were you born there? A Yes sir.  
Q What is your father's name? A Robert Martin.  
Q He living? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Martha Martin.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.  
Q Are you married? A I am.  
Q What is your wife's name? A Lavinia J.  
Q She is now living? A Yes sir.  
Q Do you claim she has any Indian blood? A No sir.  
Q White woman? A Yes sir.  
Q Do claim for her? A No sir.  
Q Have you any children under twenty-one years of age and unmarried for whom you want to make application? A Yes three.  
Q What is the name of the oldest? A Robert W.  
Q Junior? A Yes sir.  
Q How old is he? A Seventeen years.  
Q What is the name of the next? A Zada I.  
Q How do you spell that? A Z-a-d-a.  
Q Is that a daughter? A Yes sir.  
Q How old is she? A She is fifteen -- will be in a few days.  
Q What is the name of the next child? A The next is a boy ten years old, William W.  
Q Is that all? A Yes that is all; now I have two married daughters but I understand that I can't apply for them.  
Q They will have to make application themselves? A Yes sir.  
Q Is Lavinia J. Martin the mother of these three children? A Yes sir.  
Q You are the father? A Yes sir.

- Q You make application for yourself and these three children do you.  
A Yes sir.
- Q When and where were you married to your wife Lavina? A We were married in seventy-seven near this place Plantersville, that I speak of.
- Q In what state was that? A Alabama.
- Q You remember the exact date of your marriage to your wife? A December twenty-seven, 1877.
- Q Were you married by a minister under a license? A We were married by a Justice of the Peace.
- Q Have you your marriage license and certificate with you? A Not with me.
- Q You can produce it? A Yes sir.
- Q Have you evidence of the marriage of your father and mother? A I have not.
- Q Can you produce it? A Yes I think so.

A reasonable time will be allowed this applicant in which to introduce evidence of the marriage of his father and mother also evidence of his own marriage.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?  
A Not that I know of.
- Q Have you ever made application for yourself or your children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application either for yourself or children to any authority for citizenship in the Choctaw Nation? A No sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A I do--Yes.
- Q Do you understand that article of that treaty? A Well, I think so, I heard you explain to this other applicant just ahead of me.
- Q Would you like a further explanation? A I think not, --No sir.
- Q I will just read the article to you; that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privi-

lege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied with any of the provisions of that article? A I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Martha Moore my father's mother.
- Q Your grandmother on your father's side? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A In Mississippi and Alabama.
- Q Where did she live first in Mississippi or Alabama? A In Mississippi.
- Q Then moved to Alabama? A Yes sir.
- Q Where was she born? A I don't know.
- Q Did she live in Mississippi in 1830 and have a family there? A I don't know sir.
- Q Did your father ever live in Mississippi? A No sir I don't think my father ever lived there.
- Q Where was he born? A In Alabama.
- Q You know where in Alabama, in what County? A No sir I have no recollection.
- Q How old would your grandmother Martha Moore be if she were living now? A I could not tell you, I don't know her age.
- Q How old would your father be if he were living now? A He was fifty two when he died and died in seventy-eight that would make him seventy-five.
- Q Between seventy-five and seventy-six? A Yes sir.
- Q You could not tell where he was born? A Not the County and place.
- Q Did your grandmother speak the Indian language? A I don't know.
- Q Did she have a Choctaw Indian name? A Nothing more than Martha Moore.
- Q Did she remove after she left Mississippi and went to Alabama, did she remove from Alabama to any other state? A No sir as I understand it the remaining part of her life after she was married she spent in Alabama.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between the years 1833 and 1836? A I could not tell.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.
- Q Did any of your ancestors, if Choctaw Indians, claim or receive any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A I do not know.
- Q Did they claim or receive any lands or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they receive or claim any benefits of any kind under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

Those Indians who remained in the old Choctaw Nation in Mississippi and Alabama, after the treaty of 1830 was made were required if they intended to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and signify to him their intention of remaining in Mississippi, taking land there and becoming citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's register. This failure to properly record all applicants under that article of that treaty caused a good many Indians living in Mississippi to lose the lands which they held there and upon which they had improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard all claimants under article fourteen who desired to appear before it. In 1842, by act approved August 23, of that year, another Commission was appointed by Congress for the same purpose and both of these Commissions made lists of all claimants who came before it, each one of them respectively.

- Q Did any of your ancestors, if Choctaw Indians, go before either of these Commissions and claim rights, benefits or privileges under article fourteen of the treaty of eighteen hundred and thirty? A I don't know sir.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of eighteen hundred and thirty and if it also appeared further that he had land in Mississippi or Alabama which the government had taken away from him and sold, that he should be entitled to select land either in Mississippi, Alabama, Arkansas, or Louisiana to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government as Choctaw Indians? A I do not know.
- Q Have you any relatives who have previously appeared before the Commission for the purpose of being identified as Mississippi Choctaws? A Yes sir.
- Q Can you give the names of some of them? A My oldest brother John H. Martin has been before the Commission, also I have two or three sisters who have been before the Commission and David Martin my brother who lives in Eastern Texas has been before the Commission,--David W. Martin.
- Q What are the names of your sisters, present names? A My first oldest sister is Mattie Walker, Callie Walker, both of these sisters married brothers.
- Q The next? A Susie Terry.
- Q Is that all? A No sir I have two half brothers that has been before the Commission.
- Q What is the name of the first one? A Marion Martin and the younger brother is Rutherford Martin.
- Q Do these all claim through Martha Moore? A Yes sir.
- Q Do you want to have their testimony considered when your is taken up for consideration? A Yes sir.
- Q Have you any evidence or proof of any kind that you want to present in support of this claim? A I have not.
- Q Have you any witnesses before the Commission you want to call? A No sir.



A reasonable time will be allowed this applicant for the purpose of introducing proper evidence in support of this claim also proof of the marriage of his father and mother and his own marriage to his wife.

Q Do you speak or understand the Choctaw language? A No sir.  
Q Is there anything further you want to say in support of this claim? A I don't think there is.

The applicant has the physical characteristics of being descended from white parentage; medium light complexion, sandy hair, somewhat gray and mustache; has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on January 13th 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of January 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 18th day of January 1902.

*Charles M. Hall*  
Notary Public.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRUNKHEDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Robert W. Martin,  
Temple, Texas.

Dear Sir:

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan J. Tippit, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |   |   |   |      |
|---------------------------------|---|---|---|------|
| Susan J. Tippit, et al.,        | M | C | R | 203  |
| Alva N. Tippit, et al.,         | M | C | R | 202  |
| John R. Tippit, et al.,         | M | C | R | 204  |
| Mary E. Tippit,                 | M | C | R | 347  |
| Suetta Tippit,                  | M | C | R | 348  |
| Marion N. McGee, et al.,        | M | C | R | 1048 |
| James F. McGee, et al.,         | M | C | R | 1049 |
| Mattie Walker, et al.,          | M | C | R | 1160 |
| Marion E. Martin,               | M | C | R | 1161 |
| David Martin, et al.,           | M | C | R | 1162 |
| Callie Walker, et al.,          | M | C | R | 1164 |
| Sallie Carroll, et al.,         | M | C | R | 1165 |
| Verna Annabel Pierson, et al.,  | M | C | R | 1176 |
| George F. Martin, et al.,       | M | C | R | 1182 |
| Malitee Paralee Harris, et al., | M | C | R | 1185 |
| Robert M. Martin, et al.,       | M | C | R | 1188 |
| Neatie Bozeman,                 | M | C | R | 1189 |
| Rutherford McDuffey Martin,     | M | C | R | 1190 |
| Rotha B. Walker,                | M | C | R | 1191 |
| David Moseley Walker,           | M | C | R | 2086 |
| Evie Melton, et al.,            | M | C | R | 2138 |
| Robert F. Williams, et al.,     | M | C | R | 2245 |
| William H. Williams,            | M | C | R | 2246 |
| Mollie Williams,                | M | C | R | 2247 |
| Maggie Williams,                | M | C | R | 2248 |
| Susan A. B. Terry, et al.,      | M | C | R | 2325 |
| John H. Martin, et al.,         | M | C | R | 2326 |
| Joseph P. Martin,               | M | C | R | 2327 |
| Ada Wylie,                      | M | C | R | 2480 |
| William T. Wright,              | M | C | R | 2481 |
| Mitchel L. Wright, et al.,      | M | C | R | 2482 |

|                             |   |   |   |      |
|-----------------------------|---|---|---|------|
| Martha L. Wright, et al.,   | M | C | R | 2483 |
| James G. Wright, et al.,    | M | C | R | 2484 |
| Nannie Parnell, et al.,     | M | C | R | 2493 |
| Thomas M. Martin,           | M | C | R | 2501 |
| Robert A. Martin,           | M | C | R | 2508 |
| Anna Parnell, et al.,       | M | C | R | 2637 |
| William S. Eaves, et al.,   | M | C | R | 3621 |
| Rebecca Lue Hooks, et al.,  | M | C | R | 3622 |
| Sarah J. Chambers, et al.,  | M | C | R | 3668 |
| Emily A. Eaves, et al.,     | M | C | R | 3669 |
| Willie Jowers,              | M | C | R | 3670 |
| Annie Atchison, et al.,     | M | C | R | 3671 |
| William F. Martin, et al.,  | M | C | R | 3677 |
| Mary J. Tate, et al.,       | M | C | R | 3678 |
| Eliza Perkerson,            | M | C | R | 3679 |
| Ettie Merritt,              | M | C | R | 3680 |
| Jesse Z. Eaves, et al.,     | M | C | R | 3681 |
| Pierson G. W. Hooks,        | M | C | R | 3682 |
| Effie Harris,               | M | C | R | 3683 |
| Walter Martin,              | M | C | R | 3684 |
| James W. Campbell, et al.,  | M | C | R | 3685 |
| Margaret Missouri Campbell, | M | C | R | 3745 |
| Elijah Campbell,            | M | C | R | 3746 |
| Mildred Annett Wallace,     | M | C | R | 3747 |
| Eliazer J. Milling, et al., | M | C | R | 3748 |
| James Eaves,                | M | C | R | 3749 |
| Walter Eaves,               | M | C | R | 3750 |
| David W. Martin, et al.,    | M | C | R | 3909 |
| Mattie Warner,              | M | C | R | 3910 |
| Vesta M. Herod,             | M | C | R | 3911 |
| Robert W. Martin, et al.,   | M | C | R | 4491 |

Said decision after a review of the evidence submitted concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Susan J. Tippit, Gena J. Tippit, James T. Tippit, William J. Tippit, Eunice Tippit, Minnie H. Tippit, Alva N. Tippit, Hazel Tippit, John R. Tippit, Mary E. Peterson, J. Aubrey Peterson, Suetta Tippit, Marion N. McGee, Emma P. McGee, Wilber N. McGee, Marion G. McGee, Dink B. McGee, Chester V. McGee, Claiborn B. McGee, Nettie L. McGee, James F. McGee, Gertie McGee, Mattie Walker, Jimmie Joe Walker, Ursie Callie Walker, Marion E. Martin, David Martin, Arthur Martin, Evie Estelle Martin, Callie Walker, Walter Stanford Walker, Audress More Walker, Sallie Carroll, James Robert Carroll, John Spurgeon Carroll, Melvin Hudson Carroll, Furney Jackson Carroll, Le Vert Milling Carroll, Le Trell Carroll, Reuben Mixon Carroll, Verna Annabel Pierson, Glenwood Marion Pierson, George F. Martin, Howell Martin, Edna Martin, Paul Martin, Carrie Beatrice Martin, Malitee Paralee Harris, Curtis Harris, Nannie Harris, Virgie Harris, Clyde Harris, Robert M. Martin,



Benjamin Martin, David Martin, Mary Martin, Edna Martin, Charley Martin, George Martin, Della Martin, Silas Martin, Inez Martin, Lula Martin, Paul Martin, Gracie Martin, Neatie Boze-man, Rutherford McDuffey Martin, Rotha B. Walker, David Moseley Walker, Evie Melton, Evelyn Marie Melton, Oliver Reynolds Melton, Robert F. Williams, Lucy Williams, Janie Williams, Robert Williams, William H. Williams, Mollie Williams, Maggie Williams, Susan A. B. Terry, Birdie A. B. Talley, Mattie L. Terry, Addie E. Terry, Robert I. Terry, Velma M. Terry, William W. Terry, John H. Martin, Ulysus C. Martin, Eva Martin, Joseph P. Martin (dead), Ada Wylie, William T. Wright, Mitchel L. Wright, Lou Thelma Wright, Martha L. Wright, David M. Wright, Rebecca Wright, James G. Wright, Robert Orvin Wright, Eddie Susie Wright, Nannie Parnell, Lealla Parnell, Eva Parnell, Erly Parnell, Velma Parnell, Wil-lie May Parnell, Thomas M. Martin, Robert A. Martin, Anna (M) Parnell, Carrie I. Parnell, William S. Eaves, Elizabeth F. Eaves, Mary Lue Eaves, Pierson L. Eaves, Rebecca Lue Hooks, Eliza Dorcas Hooks, Sarah J. Chambers, Lila May Chambers, Emily A. Eaves, Mar-vin Eaves, Willie Jowers, Annie Atchison, Luther D. Atchison, Edward Atchison, Willam F. Martin, Annie Lee Martin, Leonard Allen Martin, Mary J. Tate, Aubrey J. Tate, Eliza Perkerson, Ettie Merritt, Jesse Z. Eaves, Willie Eaves, Ola May Eaves, Pierson G. W. Hooks, Effie Harris, Walter Martin, James W. Campbell, Lillian E. Campbell, Lela G. Campbell, Mamie I. Campbell, Margaret Missouri Campbell, Elijah Campbell, Mildred Annett Wallace, Eliazer J. Milling, Robert Milling, Johnny Milling, Willie Milling, Palestine Milling, Luella Milling, James Eaves, Walter Eaves, David W. Martin, Sammy D. Martin, Emily L. Martin, Robert A. Martin, Ruby A. Martin, Tom Smith Martin, Leslie L. Martin, Omega Martin, Mattie Warner, Vesta M. Herod, Robert W. Martin. Robert W. Martin, Jr., Zada I. Martin, and William W. Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermar-ried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tams Bixby.*

Registered.

Acting Chairman.

COPY

M.C.R. 4491

Muskogee, Indian Territory, November 12, 1902.

Robert W. Martin,  
Temple, Texas.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

(SIGNED)

*Amos D. L. Doby*

Acting Chairman.

M.C.R. 4491.

Muskogee, Indian Territory, December 21, 1903.

Robert W. Martin,  
Temple, Texas.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of December 8, 1903, advising that on March 24, 1903, W. M. Springer submitted to the Secretary of the Interior, a motion for review in the consolidated Mississippi Choctaw case of Susan J. Tippit, et al., in which case the decision of the Commission rejecting the applicants was approved by the Department, November 1, 1902; that on March 26, 1903, the Department notified said W. M. Springer that

"The Commissioner of Indian Affairs has this day been requested to return the papers in the case to the Department where they will be subject to your inspection, and you will be allowed reasonable time within which to state the reasons upon which the motion is asked;"

that on April 17, 1903, the papers in the case were returned to the Department by the Commissioner of Indian Affairs where they have since remained subject to inspection, and that no further action has been taken by or on behalf of the applicants.

You are further advised that since the forwarding of the papers in the case to the Secretary of the Interior by the Commissioner of Indian Affairs, W. M. Springer has died, and the Depart-

2 7 1968

now direct the Commission to notify you that if you wish to take any further action relative to the motion filed by W. H. Springer, on March 24, 1968, you will be allowed thirty days from this date for that purpose.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

MOR-4491

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1907.

Robert W. Martin,  
Temple, Texas.

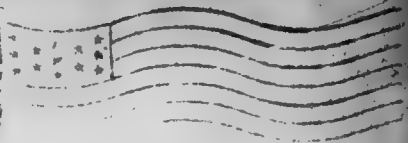
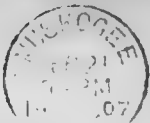
Dear Sir:-

You are hereby notified that on January 7, 1907, the Secretary of the Interior denied a motion, filed June 25, 1906, by Albert J. Lee, attorney at law, Ardmore, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Susan J. Tippet et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.



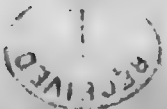
DEPARTMENT C.

Commissioner to the U. S. C.

FILED

FEB 23 1907

Comptroller



Department of the Interior.

Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

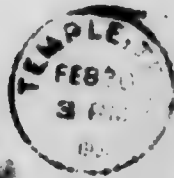


Unclaimed



~~Robert W. Martin,~~

~~Temple, Texas.~~





No. 426  
For Identification as a Mississippi Choctaw.

Date JAN 13 1902

Name Robert W. Martin.

Age 45 - Blood '18

Post Office, Temple, Texas.

Father: Robert Martin. d

Mother: Martha " d

Claims through father  
wife.

Lavinia J. Martin, l. co.  
No claim for wife.

Children:

Robert W. Martin, Jr.

Zada L. " (F.)

William W. "

Claims for self  
and children

Stenographer G. R. ...

Choctaw MCR 4492

Sallie Ma-hat-Sti-ah

MCR 4492

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----- (o) -----

In the matter of the application of Sallie Ma-hat-sti-ah,  
et al., for identification as Mississippi Choctaws, M C R 4492.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sallie Ma-hat-sti-ah,  
et al., for identification as Mississippi Choctaws, M C R 4492.

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---: I N D E X :---

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|  |      |
|--|------|
|  | Page |
| Original application of Sallie Ma-hat-sti-ah,<br>et al., for identification as Mississippi Choctaws,-- | 1    |
| Decision of the Commission identifying the above<br>applicants,-----                                   | 7    |

-o-

4492

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Edinburg, Mississippi, January 7, 1902.

In the matter of the application of Sallie Ma-hat-sti-ah, for the identification of herself and her husband, Jefferson Ma-hat-sti-ah, as Mississippi Choctaws.

Sallie Ma-hat-sti-ah, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Sallie Ma-hat-sti-ah.  
Q How old are you? A Sixty two.  
Q How much Choctaw blood have you? A Full blood.  
Q What 's your post office address? A Hope, Neshoba County, Mississippi.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A No, dead.  
Q What was his name? A Jim Cun-ne-tubbee.  
Q How long has he been dead? A About twenty years.  
Q About how old was he when he died? A I don't know, a middle aged man.  
Q Do you think he was as old as you are now when he died? A No, not as old.  
Q Did he have any other name besides Jim Cun-ne-tubbee? A That's all.  
Q Did he always live in the State of Mississippi? A Yes.  
Q Was he a full blood Choctaw Indian? A Yes.  
Q Do you know the name of his father? A I don't know.  
Q Or the name of his mother? A I don't know.  
Q Is your mother living? A No, she died when I was little baby.  
Q What was her name? A I don't know.  
Q Didn't you ever hear what it was? A No.  
Q Did you ever hear it was Nancy? A That was my aunt who raised me.  
Q Do you know the name of your mother's father, or your mother's mother? A No, all dead before I knowed anything about them.  
Q So far as you know, have all of your ancestors been full blood Choctaws? A Yes.  
Q Have all of them always lived in Mississippi? A Yes.  
Q Are you married? A Yes.  
Q Your husband living? A Yes.  
Q Are you living with him? A Yes.  
Q You married to him under a license or according to the Choctaw custom? A Choctaw custom.  
Q About how long have you been married? A About thirty or forty years.  
Q Do you want to make application in behalf of your husband? A Yes.  
Q Is he here before the Commission at this time? A Yes.  
Q Why does he not make application in his own behalf and in your behalf? A Because he can't hear good.  
Q What's the name of your husband? A Jefferson Ma-hat-sti-ah.  
Q Is he a full blood Choctaw? A Yes.
- 1

Sallie Ma-hat-sti-ah, et al., S.

- Q About how old is he? A Sixty three.  
Q Has he always lived in the State of Mississippi? A Yes.  
Q His father living? A No, dead.  
Q What was his name? A Ma-hat-sti-ah.  
Q How long has he been dead? A About fifty years.  
Q Did he always live in Mississippi? A Yes.  
Q Do you know the name of his father, or his mother? A I don't know.  
Q Is your husband's mother living? A No.  
Q What was her name? A Betsey.  
Q Was she a full blood Choctaw? A yes.  
Q Did she live in Mississippi her entire life? A Yes.  
Q Did she have any other name besides Betsey? A I don't know; that's all I ever heard.  
Q Do you know the name of either of Betsey's parents? A I don't know.  
Q Have you any children living? A No.  
Q Are there any descendants of either you or Jefferson Ma-hat-sti-ah your husband living? A No.  
Q This application, then, is for yourself and your husband only? A Yes.  
Q Is your name, or the name of your husband, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, or husband to be admitted or enrolled as members of that tribe, or did any one else ever make such an application in behalf of either of you? A No.  
Q Did you, or any one for you, or your husband, or any one for him, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No.  
Q Has any application of any kind ever been made before to-day for yourself, or your husband? A Yes, at Philadelphia.

The records of the Commission show that on the first day 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, Jefferson Ma-hat-sti-ah, and his wife, Sallie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 292; also, upon page 73 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 1007 and 1008, respectively, thereon.

- Q Is this the only application of any kind that has ever been made for either of you? A Yes.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and husband under article 14 of the treaty of Dancing Rabbit Creek? A Yes.



Sallie Ma-hat-sti-ah, et al., 3.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was made here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who desired to remain here might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your husband's ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever received any benefits thereunder? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.

Q Do you know where your parents were living ten years before you were born? A I don't know.

Q Do you know where your husband's parents were living about that time? A Some one told me they lived down at the low end of this county, near the southwest corner.



Sallie Ma-hat-sti-ah, et al., 4.

Q Do you know whether they owned any improvements here at that time?  
A I reckon so, but I never heard any one say that they did, but I reckon so.

Q Do you know whether your parents had any improvements here at the time this treaty was made? A Yes, sir, I reckon so.

Q Where? A They were living, I reckon, in Neshoba County, south of here.

Q Did any of your ancestors, or any of your husband's ancestors, remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No.

Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Never heard.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of your ancestors, or any of your husband's ancestors ever receive any land here in Mississippi from the Government, or ever get any money from the Government? A No.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the

Sallie Ma-hat-sti-ah, et al., 5.

commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and hear the remainder of these cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your husband's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?  
A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government they should be entitled to select land elsewhere here in Mississippi or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever get any of this scrip from the United States Government under this Act of Congress? A I don't know.

Q Did you ever see or hear of any deed or patent, issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A No.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your husband's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken in support of this application they may appear before the Commission at any one of its appointments here in Mississippi this winter, or at Meridian, Mississippi, between January 15th and February 15th, 1901, or within a reasonable time thereafter at the general office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

Sallie Ma-hat-sti-ah, et al., 6.

Q Have you any brothers or sisters living? A No.

Q Are any of the grand children of any of your brothers or sisters living? A No.

Q Has your husband any brothers or sisters living? A No.

Q Are any of the children or grand children of any of his brothers or sisters living? A Sina, the wife of Tom Anderson is the daughter of my husband's sister. She now lives near Ofahoma in Leake County.

Q What was the name of your husband's sister? A Eliza.

Q Are Eliza, and the members of her family, the only living descendants of any of your husband's brothers or sisters? A Yes.

Q Are any of your father's brothers or sisters, or any of their children living? A No.

Q Are any of your mother's brothers or sisters, or any of their children living? A No.

Q Are any of your husband's father's brothers or sisters or any of their children living? A No.

Q Are any of your husband's mother's brothers or sisters, or any of their children living? A No.

(This applicant has the appearance of being a full blood Indian; she speaks and understands the Choctaw language, and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter. Her husband is also present before the Commission and has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English. He is so deaf it is almost impossible to make him understand.)

R. B. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 7th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Edinburg, Mississippi, this 10th day of January, 1902.

*L. B. Mosley*

Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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*copy*  
In the matter of the application of Sallie Ma-hat-sti-ah,  
et al., for identification as Mississippi Choctaws, M C R 4492.

-----: D E C I S I O N :-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 7, 1902, by Sallie Ma-hat-sti-ah, for herself, and her  
husband, Jefferson Ma-hat-sti-ah, under the following provision of  
the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of  
any Mississippi Choctaw Indians whether of full or mixed blood  
who received a patent to land under the said fourteenth article  
of the said treaty of eighteen hundred and thirty who had not

(2)

moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of the Commission that Sallie Ma-hat-sti-ah and Jefferson Ma-hat-sti-ah should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

APR 17 1903



COPY,

M.C.R. 4492.

Muskogee, Indian Territory, April 17, 1903.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Sallie Ma-hat-sti-ah and her husband, Jefferson Ma-hat-sti-ah, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying Sallie Ma-hat-sti-ah and her husband as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED, *Tamr Birby.*

Registered.  
Enc. : 4492.

Chairman.

COPY.

W D R 4492

Muskogee, Indian Territory, May 4, 1903.

Sallie Ma-hat-sti-ah,

Hape, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your husband, Jefferson Ma-hat-sti-ah as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Register,

Enc. 4492

*Tamr Bixby.*  
Chairman.



Waukegee, Indian Territory, May 4, 1903.

Sallie Ma-hat-sti-ah,

Hope, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your husband, Jefferson Ma-hat-sti-ah as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Afton, Choctaw Nation or Pankawingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tamr Bixby.*  
Chairman.

Registered.

Enc. 4492

1611

No.

4192

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date

JAN 7 1902

Name

Sallie Ma hat-sti-ah

Age

67

Blood

free

Post Office,

Hope, Miss.

Father:

Jim Cun-no-tubbee

d

Mother:

don't know-

d

Claims through

both parents

Husband

Jefferson Ma-hat-sti-ah (free) 63

Father

Ma-hat-sti-ah

d

Mother

Betsey

d

(Claims for self and husband.)

Children:

(See Miss. Choctaw card filed No. 292.)

Names of all ancestors

whose names are known

are shown above.)

Stenographer

P. S. Strick

Choctaw MCR 4493

Adam Jim

See MCR 1985

MCR 4493

Department of the Interior.  
Commission to the Five Civilized Tribes.

-----oOo-----

In the matter of the application of Adam Jim, et al.,  
for identification as Mississippi Choc-  
taws,-----M C R 4493.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----oOo----

In the matter of the application of Adam Jim, et al., for  
identification as Mississippi Choctaws, M C R 4493.

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----: I N D E X :----

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-o-

493  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Edinburg, Mississippi, January 7th, 1902.

In the matter of the application of Adam Jim for the identification of himself and his wife Fabie, as Mississippi Choctaws.

Said Adam Jim, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Adam Jim.  
Q How old are you? A About thirty-one.  
✓ Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Hope.  
Q Neshoba County, Mississippi? A Yes.  
Q How long have you lived in Neshoba County? A Born and raised there.  
Q Is your father living? A Yes.  
✓ Q What is his name? A Jim Isaac.  
Q Where does he live? A In Neshoba County.  
✓ Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived in Mississippi? A Yes.  
Q Has he a Choctaw name? A Yes.  
Q What is it? A Tin-cha.  
✓ Q Do you know the name of your father's father? A Yes.  
✓ Q What is it? A Isaac.  
Q Did Isaac have a Choctaw name? A I don't know.  
✓ Q How long has Isaac been dead? A I don't know.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he ever live in Indian Territory? A I don't know.  
Q Is your father's mother living? A No.  
Q Do you know what her name was? A No.  
Q Do you know anything about her? A No.  
Q Did you ever see her? A No.  
✓ Q Is your mother living? A Yes.  
✓ Q What is her name? A Mary.  
Q Is she living with your father? A Yes.  
✓ Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q Do you know the name of your mother's father? A No.  
Q Or your mother's mother? A No.  
✓ Q So far as you know have all your ancestors been full blood Choctaws? A Yes.  
Q And they have always lived in Mississippi? A Yes.  
Q Are you married? A Yes.  
✓ Q Is your wife living? A Yes.  
✓ Q What is her name? A Fabie.  
Q Are you living with her? A Yes.  
Q Have you been married more than once? A Just once.  
Q Has she been married more than once? A No.  
✓ Q How much Choctaw blood has Fabie? A Full blood.  
Q How old is she? A Twenty-one.  
Q Do you want to make application for her too? A Yes.  
Q Has she always lived in Mississippi? A Yes.



Adam Jim et al---2

Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.

Q Is Fabie's mother living? A Yes.

Q What is her name? A Louisa.

Q What is her other name? A She is the wife of Tobe Jimmie.

Q Has Louisa a Choctaw name? A I don't know.

Q Is she a full blood Choctaw? A Yes.

Q And she has always lived in Mississippi? A Yes.

Q About how old do you think she is? A I don't know.

Q What is the name of your wife's father? A Tobe Jimmie.

Q Where does he live? A He is dead.

Q Was he a full blood Choctaw? A Yes.

Q Did he always live in the State of Mississippi? A Yes.

Q How old do you think he would be if he were living now? A I don't know.

Q Did he have a Choctaw name? A I don't know.

Q Do you know the name of either of his parents? A No.

Q Or either of Louisa's parents? A No.

Q You don't know the name of any of your wife's ancestors then except the names of her father and mother? A That's all.

Q So far as you know have all of her ancestors been full blood Choctaws? A I reckon so. I never seen any of them except her parents.

Q Have they always lived here in Mississippi? A Yes.

Q Have you any children living? A No.

Q This application, then, is in behalf of yourself and wife only? A Yes.

Q Is your name or your wife's name to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or wife to be admitted or enrolled as members of that Tribe? A No.

Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation, for yourself or wife, under the act of Congress approved June 10, 1896?

A No.

The names of these applicants, Adam Jim and Fabie Jim, appear in the case of Jack Amos et al vs the Choctaw Nation. The original application in this case was filed with the Commission on the 10th day of September, 1899. On December 1st, 1899, the Commission denied said original application and an appeal was taken to the United States Court for the Central Judicial district of Indian Territory at South McAlester, Indian Territory, which said Court on August 25th, 1897, affirmed the decision of the Commission and a further appeal was taken to the United States Supreme Court where the decision of the District Court was affirmed.

Q Have you made an application of any kind before today, for yourself and wife, except this one that was made in your behalf in 1896?

A Yes, at Philadelphia three years ago.

The records of the Commission show that on the 2nd day of



Adam Jim et al---3

February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant and his wife Fable as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 306, also on page 76 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights to the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, being numbers 1075 and 1076, respectively thereon.

Q Are these two applications made by you to the Commission, one in 1896 and the other in 1899 the only applications of any kind that have ever been made for yourself and wife? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and wife, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes.

Q You have heard it explained here before the Commission the last day or two? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here in the old Choctaw Nation at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever get any land here in Mississippi from the Government? A I don't know.

Q Or any money from the Government? A I don't know.

Q Were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians or did any of them

Adam Jim, et al---4

ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in the

Adm Jim et al--5

State of Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government under this act of Congress? A No.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek? A I don't know of anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at this place at any time before the 10th of this month or between January 15th and February 15th next at Meridian, Mississippi, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory and their testimony will be taken.

Q Is the Jim Isaac who appeared before the Commission here yesterday, your father? A Yes.

Special reference is here made to the testimony of Jim Isaac taken before the Commission here at Edinburg on the 4th of this month.

Q Have you any brothers living? A Yes.

Q How many? A Three.

Q What are their names? A Stephen Jim, Dixon Jim, and Wilson Jim Isaacs.

Q Have you any sisters living? A Yes.

Q How many? A Two.

Q What are their names? A Sophie Hinson, and Nancy Wait.

Q Has your wife any brothers living? A Yes.

Q How many? A Three.

Q What are their names? A Ike, Frank and Will.

Q Do they go by the name of Toke or Jimmie? A Jimmie.

Q Has your wife any sisters living? A Yes, two.

Q What are their names? A Alice and Bettie.

Q Are they married? A Yes.

Q What is the name of the husband of Alice? A Silman Bell.

Q What is the name of the husband of Bettie? A Sidney John.

Q Do your wife's brothers live in Washoba County? A Yes.

Q And Silman Bell lives in Washoba County? A Yes.

Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.

Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know.

This applicant has every appearance of being a full blood

Adam Jim et al--6

Indian speaks and understands the Choctaw language and very little English, the examination having been conducted chiefly through a sworn Choctaw interpreter.

Ira S. Files, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 9th day of January, 1902, at Edinburg, Mississippi.

*L. B. Massey*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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*copy*  
In the matter of the application of Adam Jim, et al., for identification as Mississippi Choctaws, M C R 4493.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on January 7, 1902, by Adam Jim, for himself, and his wife, Fable Jim, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

~~"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of~~

(2)

any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Adam Jim and Fable Jim should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

  
COMMISSIONER

APR 11 1903

COPY.

M.C.R. 4483.

Muskogee, Indian Territory, April 11, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1903, identifying Adam Jim and his wife, Fable Jim, as Mississippi Choctaw Indians under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Adam Jim and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tame Bixby,*

Chairman.

Registered.

Enc. 4483.



Copy:

Muskogee, Indian Territory, April 27, 1903.

Adam Jim,

Noye, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the five Civilized Tribes, rendered April 11, 1903, identifying yourself and your wife, Fable Jim, as Mississippi Choctaw Indians under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman

Registered.

Enc. 4493.

1612 4238  
For Identification as a Mississippi Choctaw.

Edinburg, Miss

Date JAN 7 1902

Name Adam Jimi

Age 31 Blood full

Post Office, Hope, Miss.

Father: Jimi Isaac L

Mother: Mary Isaac L

Claims through both parents

wife Fabie Jim (full) 21 L

Father Job Jimmie d

Mother Louisa Jimmie L

(Claims for self and wife)

Children:

(See Miss. Choctaw card filed No. 306.)

Father of Jimi Isaac = Isaac. d

Stenographer

J. S. Niles

Choctaw MCR 4494

Steve Jim

MCR 4494

2

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Steve Jim, et  
al., for identification as Mississippi  
Choctaws, -----M C R 4494.

-o-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Steve Jim, et al.,  
for identification as Mississippi Choctaws, M C R 4494.

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----: I N D E X :----

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|--|------|
| Original application of Steve Jim, et al.,<br>for identification as Mississippi Choctaws,----- | 1    |
| Decision of the Commission identifying the<br>above applicants,-----                           | 7    |

-o-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Bainburg, Mississippi, January 7th, 1902.

In the matter of the application of Steve Jim for the identification of himself, his wife Lillie, and minor children Ona, Albert, Frances, Ellen, Simon and Isaac, as Mississippi Choctaws.

S  
Said Steve Jim, being first duly sworn, testified as follows:  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Steve Jim.  
Q How old are you? A About forty-four.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Hope, Mississippi.  
Q How long have you lived in Washoba County? A All my life.  
Q Is your father living? A Yes.  
Q What is his name? A Jim Isaac.  
Q Has he a Choctaw name? A Tin-cha.  
Q About how old a man is your father? A About sixty-eight.  
Q Where does he live? A Near Hope.  
Q Has he lived there all his life? A Yes.  
Q Do you know the name of his father? A Yes.  
Q What is it? A Isaac.  
Q Did he have a Choctaw name? A I don't know.  
Q Did he always live in Mississippi? A I reckon so.  
Q Was he a full blood Choctaw? A Yes.  
Q Did you ever see him? A No.  
Q Is your mother living? A Yes.  
Q Is your father's mother living? A No.  
Q What was the name of your father's mother? A I don't know.  
Q What is the name of your mother? A Mary.  
Q Where does she live? A In Washoba County.  
Q Is she older or younger than your father? A I don't know.  
Q Has she a Choctaw name? A I don't know.  
Q Has she always lived in Mississippi? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Is her father living? A I don't know.  
Q Or her mother? A I don't know.  
Q Do you know the name of either one of them? A No.  
Q Have all of your ancestors, so far as you know, been full blood Choctaws? A Yes.  
Q And all lived in the State of Mississippi all their lives? A Yes.  
Q Are you married? A Yes.  
Q Have you been married more than once? A Just once.  
Q Has your wife been married more than once? A Just once.  
Q Are you living with your wife at this time? A Yes.  
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.  
Q Do you want to make application for her too? A Yes.  
Q What is her name? A Lillie.  
Q How much Choctaw blood has she? A Full blood.  
Q How old is she? A About forty.  
Q Has she always lived in the State of Mississippi? A Yes.



Steve Jim et al---2

Q Is her father living? A I don't know.  
Q What was his name? A I don't know.  
Q Is her mother living? A Yes.  
Q What is her name? A Martha.  
Q What is her other name? A Martha Jacobs.  
Q Does she live near Hope? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q About how old is she? A I don't know.  
Q Give us an idea how old she is? A About seventy.  
Q Do you know the name of her father or her mother? A No.  
Q Have you any children of age or married? A Yes.  
Q How many? A Two.  
Q What are their names? A Ballie and Annie.  
Q What is the name of Ballie's husband? A Goodman Jim.  
Q What is the name of the husband of your other daughter? A Willie Jim.  
Q How many children have you who are under 21 years of age and unmarried? A Six.  
Q What are their names and ages? A Ona.  
Q How old is Ona? A She is about sixteen.  
Q Next one? A Albert? ~~A Twelve.~~  
Q How old is he? A Twelve.  
Q Next one? A Frances.  
Q Is that a girl? A Yes.  
Q How old? A Ten.  
Q Next one? A Ellen.  
Q How old? A Eight.  
Q Next one? A Simon.  
Q Is that a boy? A Yes.  
Q How old? A Six.  
Q Next one? A Isaac.  
Q How old? A Born March 10th, 1900.  
Q Is that all of them? A Yes.  
Q This application, then, is for yourself, wife and six minor children, is that correct? A Yes.  
Q Is your name or your wife's name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory, for yourself, wife or any of these children, to be admitted or enrolled as members of that Tribe? A No.  
Q Did you or did anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself, wife or any one of these children under the act of Congress approved June 10, 1896? A No.  
Q Have you ever made any application of any kind for yourself, wife or any of these children, before today, to be admitted or enrolled as members of the Choctaw Tribe? A Yes, at Philadelphia three years ago.

The records of the Commission show that on the 1st day of February, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application

Steve Jim et al---3

for the identification of himself, his wife Lillie and minor children Ona, Albert, Frances, Ellen, Simmon and Bannie, as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No.290, also upon page 73 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 998 to 1005 inclusive and respectively thereon.

Q Are any of those children for whom you made application three years ago dead now? A Yes, Bannie died in August, 1900.

Q Do you ever go by the name of Jim Steve? A Yes.

Q Which is your correct name Jim Steve or Steve Jim? A Steve Jim.

Q You gave your name to the Commission before as Jim Steve, did you? A Yes.

Q But you think that Steve Jim is your proper name and you go by that name mostly, do you? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q You understand that 14th article, do you not? A Yes.

Q You have heard it explained here before the Commission? A Yes.

Q Are these six children for whom you make application, all the children of yourself and Lillie? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government that you know of? A I don't know.

Steve Jim et al---4

Q Did any of them ever get any money from the Government? A I don't know.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to stay here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

4

The act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he

Steve Jim et al---5

should be entitled to select, in lieu of that land, land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors by the Government of the United States covering land here in Mississippi? A Never did.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at Edinburg at any time before the 10th of this month or at Meridian, Mississippi, between the 15th of this month and the 15th of February, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Is Jim Isaac who appeared before the Commission here at Edinburg yesterday, your father? A Yes.

Special reference is here made to the testimony of Jim Isaac, taken at Edinburg, Mississippi, on the 6th day of this month in the matter of the application of Jim Isaac et al for identification as Mississippi Choctaws.

Q Have you any brothers living? A Yes.

Q How many? A Three.

Q What are their names? A Dixon Jim, Adam Jim and Wilson Jim Isaacs.

Q Have you any sisters living? A Yes.

Q How many? A Two.

Q What are their names? A Nancy Wait and Sophie Hinson.

Q Have you any brothers or sisters dead who left children? A No.

Q Are any of your wife's brothers or sisters living? A No.

Q Did she ever have any brothers or sisters who are now dead?

A No.

Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.

Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know.

5

This applicant has the appearance of being a full blood



State 512 et al--6

Indian. He speaks and understands the Choctaw language but very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 9th day of January, 1902, at Edinburg, Mississippi.

*L. B. Moxley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *J. M. M.* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

*CW*  
In the matter of the application of Steve Jim, et al.,  
for identification as Mississippi Choctaws, M C R 4494.

----: D E C I S I O N :----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 7, 1902, by Steve Jim, for himself, his wife Lillie Jim,  
and his six minor children, Ona, Albert, Frances, Ellen, Simmon and  
Isaac Jim, under the following provision of the act of Congress ap-  
proved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations,  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants



of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Steve Jim, Lillie Jim, Ona Jim, Albert Jim, Frances Jim, Ellen Jim, Simmon Jim and Isaac Jim should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.,

  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

M.C.R. 4494

Muskogee, Indian Territory, February 21, 1903.

Manefield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Steve Jim, his wife Lillie Jim, and his minor children, Ona Jim, Albert Jim, Frances Jim, Ellen Jim, Simon Jim and Isaac Jim as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Steve Jim, his wife and children, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered  
Enclosure G.H. 62

Chairman  
Acting Chairman

Enc.

Muskogee, Indian Territory, March 11, 1903.

Steve Jim,  
Hope, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Lillie Jim, and your minor children, Ona Jim, Albert Jim, Frances Jim, Ellen Jim, Simon Jim and Isaac Jim, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tamr Bixby.*  
Chairman.

Registered.

Enc. 4494

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Isaac Jim.*

11411 ~~Child of~~

MISSISSIPPI CHOCTAW.

Section.

Approved, .....

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

190

Commissioner.

*In this case card No. 290.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JAN 15 1902

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*  
Acting Commissioner.

MISSISSIPPI CHOCTAW. #290.

*4494*

ACTING CHAIRMAN.

Miss Choc. card file No. 290.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the ~~MISSISSIPPI CHOCTAW~~ Nation,  
of Isaac Jim, born on the 10 day of March, 1900,  
(Here insert name of child)  
Name of Father: Steve Jim, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Lillie Jim, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office, Hope, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi, }  
County of Leake, }  
Lillie Jim

I, Lillie Jim, on oath state that I am about 40  
years of age and a citizen of the Choctaw Indian Nation;  
that I am the lawful wife of Steve Jim, who is a citizen, by  
Full Blood, of the Choctaw Indian Nation, that a male child was  
(male or female.)  
born to me on the 10 day of March, 1900; that said child has been  
named Isaac Jim, and is now living.

P. M. H. O.

*Small Child, - the Choctaw Indian* Nation, that a *male* child was  
(male or female.)  
born to me on the *10* day of *March* 190*2*; that said child has been  
named *Isaac Jim*, and is now living.

WITNESSES TO MARK  
(Must be Two  
Witnesses)

*Oscar Billy*  
*R. D. Strick*

*Lillie* *his* *Jim*  
*man*

Subscribed and sworn to before me this *8<sup>th</sup>* day of *Jan* 190*2*

*L. B. Mosely, Clerk*  
*U. S. Circuit Court for Dist. of Mississippi*  
*By J. M. C.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE, &c.

UNITED STATES OF AMERICA, }

*State of Mississippi* District. }

*County of Stearns*

*J. M. C.* I, on oath state that I  
attended on Mrs. *Lillie Jim* my wife

on the *10* day of *March*, 190*2*; that there was born to her on

said date a *Male* child; that said child is now living and ~~has~~ has been

named *Isaac Jim*.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

*Guy L. V. Emerson*  
*W. A. Rice*

*Steve* *his* *Jim*  
*man*

Subscribed and sworn to before me this *7* day of *Jan* 190*2*

*L. B. Mosely, Clerk*  
*U. S. Circuit Court for Dist. of Mississippi*  
*By J. M. C.*



1613

No. 4194

## For Identification as a Mississippi Choctaw.

Edinburg, Miss. JAN 7 1902

Name

Steve Jim

Age

44

Blood

free

Post Office

Hope, Miss.

Father

Jim Isaac

L

Mother

Mary Isaac

L

Claims through

both parents.

Wife

Lillie Jim (full)

40

Father

does not know

L

Mother

Martha Jacob

Claims for self

wife and 6

minor children

The Miss. Choctaw

card filed No. 290.)

Children:

Dora

Jim

(F)

16

Albert

"

12

Frances

"

10

Ellen

"

(M)

8

Simmon

"

6

Isaac

"

1

Ancestors.

Father of Jim Isaac

Isaac

L

Stenographer

J. J. Riley

MISSISSIPPI CHOCTAW

*Steve Jim. et al.*

IDENTIFIED

4494

DECISION RENDERED

FEB 7 1903

RECEIVED BY THE  
COMMISSIONER OF THE  
INDIAN AFFAIRS

FEB 21 1903

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

Choctaw MCR 4495

Nancy Whit

MCR 4495

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Nancy Wait,  
et al., for identification as Miss-  
issippi Choctaws, M C R

4495.  
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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nancy Wait, et al.,  
for identification as Mississippi Choctaws, M C R 4495.

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----:I N D E X:----

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Edinburg, Mississippi, January 8th, 1902.

In the matter of the application of Nancy Wait for the identification of herself and two minor children, Sawil and Liza, as Mississippi Choctaws.

Said Nancy Wait, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Nancy Wait.  
Q How old are you? A Twenty-eight.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Hope.  
Q Neshoba County, Mississippi? A Yes.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A Yes.  
Q What is his name? A Jim Isaac.  
Q Has Jim a Choctaw name? A Tin-cha.  
Q Where does Jim live? A Neshoba.  
Q Has he lived in Neshoba County all his life? A Yes.  
Q Is he a full blood Choctaw? A Yes.  
Q Do you know the name of his father or his mother? A No.  
Q Is your mother living? A Yes.  
Q What is her name? A Mary Isaac.  
Q Where does she live? A In Neshoba County.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q Do you know the name of her father? A No.  
Q Or her mother? A I don't know.  
Q Are you married? A Yes.  
Q Is your husband living? A No, dead.  
Q Were you ever married more than once? A Just once.  
Q What was your husband's name? A Wait.  
Q What other name did he have? A I don't know.  
Q How long has he been dead? A About four years.  
Q Did Wait always live here in Mississippi? A Yes.  
Q Was he older than you or younger? A Older.  
Q How much older than you? A I don't know.  
Q Give us an idea how much older he was? A About ten years.  
Q Is Wait's father living? A Yes.  
Q What is his name? A Sampson.  
Q Sampson what? A I don't know.  
Q Has he a Choctaw name? A I don't know.  
Q Where does he live? A In Neshoba County.  
Q About how old a man is he? A I don't know.  
Q Is he as old as your father? A Yes.  
Q Your father is about seventy years old, isn't he? A Yes.  
Q Is Wait's mother living? A Yes.  
Q What is her name? A Caroline.  
Q Where does she live? A In Neshoba County.  
Q Are Sampson and Caroline full blood Choctaws? A Yes.  
Q Always lived here in Mississippi? A Yes.



Nancy Wait et al---2

Q Has Caroline a Choctaw name? A I don't know.

Q Do you know the name of Sampson's father or the name of his mother? A No.

Q Do you know the name of Caroline's father or the name of her mother? A I don't know.

Q Have you any children living? A Yes.

Q How many? A Two.

Q What are their names and ages? A Sawil.

Q Is that a boy? A Yes.

Q How old is he? A Fifteen years old.

Q Next one? A Liza.

Q How old is she? A Thirteen.

Q Are these children both living with you at this time? A Yes.

Q Are they the children of yourself and Wait? A Yes.

Q This application, then, is for yourself and two minor children?

A Yes.

Q Have all of your ancestors always lived here in Mississippi? A Yes.

Q All been full blood Choctaws? A Yes.

Q Have all of Wait's ancestors always lived here in Mississippi?

A Yes.

Q Have they all been full blood Choctaws? A Yes.

Q Is your name or the name of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or either of these children to be admitted or enrolled as members of that Tribe? A No.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or either of these children under the act of Congress approved June 10, 1896? A No.

Q Have you ever made any application of any kind before today for yourself or these children? A Yes, my father made application for me at Philadelphia in 1892.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant and her two minor children, Sawil and Liza, as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 230, also on page 68 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as is the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers, 766, 769, 790, respectively thereon.

Q Is this application made in your behalf three years ago at Philadelphia, Mississippi, the only application of any kind that has ever been made for you or these children? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Nancy Wait et al---3

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country occupied by them here in Mississippi and Alabama and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of your husband's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that 14th article? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of them living here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians at that time? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Nancy Wail et al---4

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government? A I don't know.

Q Or any money from the Government? A I don't know.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings. So another act was passed which was approved the 3rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the



Nancy Wait et al---

United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your husband's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?  
A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of that land, land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever receive any of this scrip from the Government under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission at this place at any time before the 16th of this month, at Meridian, Mississippi, between January 16th and February 16th, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes.

Q How many? A Four.

Q What are their names? A Dixon Jim, Adam Jim, Steve Jim and Wilson Jim Isaacs.

Q Have you any sisters living? A Yes.

Q How many? A One.

Q What is her name? A Sophia Minson.

Q Have you any brothers or sisters dead? A I don't know.

Q And any of your husband's brothers or sisters living? A Yes.

Q What are their names? A Dink Sampson.

Q What is the name of the next? A That's all I know.

Q And your husband any brothers or sisters dead who left children?

A No.

Nancy Watt et al---6

Q Are any of the brothers or sisters of your husband's father or any of their children living? A I don't know.

Q Are any of the brothers or sisters of your husband's mother or any of their children living? A I don't know.

This applicant has the appearance of being a full blood Indian. She speaks and understands the Choctaw language but very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Natchez, Mississippi, January 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 10th day of January, 1902, at Natchez, Mississippi.

*L. B. Mosley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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*Curw*  
In the matter of the application of Nancy Wait, et al.,  
for identification as Mississippi Choctaws, M C R 4495.

-----: D E C I S I O N :-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 7, 1902, by Nancy Wait, for herself, and her two minor  
children, Sawil and Liza Wait, under the following provision of the  
act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes", approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations,  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all  
full-blood Mississippi Choctaw Indians and the descendants of  
any Mississippi Choctaw Indians whether of full or mixed blood

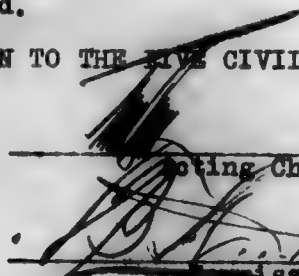
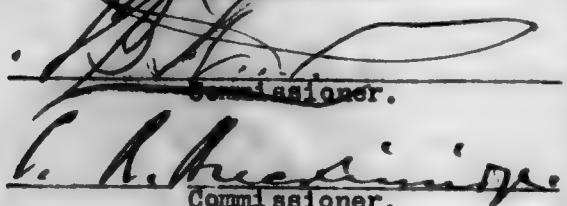
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who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Nancy Wait, Sawil Wait and Liza Wait should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY

M.C.R. 4495

McAlester, Indian Territory, February 21, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Nancy Wait and her minor children, Sewil Wait and Lina Wait as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Nancy Wait and her children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
yours,

Tamr Birby  
Sitting Chairman

Registered  
Enclosure C.H. 51

COPY.

M.C.R. 4495.

Maplewood, Indian Territory, March 11, 1903.

Nancy Vait,

Hope, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 10, 1903, identifying yourself and your two minor children, Sawil and John Vait, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of your removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tame Bixby.*

(SIGNED)

Chairman.

Registered.

Enc. 4495.

7614

No. 4195

For Identification as a Mississippi Choctaw.

Edinburg, Miss. JAN 7 1902

Name Nancy Wait

Age 28 Blood free

Post Office, Hope, Miss.

Father: Jim Isaac L

(Jim - Cha) L

Mother: Mary Isaac

Claims through both parents.

Husband: Wait (free) L

Father - Sampson - L

Mother - Caroline - L

Claims for self and 2 children.

Children:

Sawil Wait (M) 15

Liza " 13

In Miss. Choctaw card file No. 230

Stenographer

J. A. Miles

*Henry Thomas*  
IDENTIFIED

*R. 4495*

RENDERED

*14*

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHICKILAW AND  
KASAW NATION.

FEB 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 4496

Sophia Willis

MCR 4496



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sophia Willis, et  
al., for identification as Mississippi  
Choctaws, M C R 4496.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sophia Willis, et al.,  
for identification as Mississippi Choctaws, M C R 4496.

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-----:I N D E X:-----

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| Original application of Sophia Willis, et al.,<br>for identification as Mississippi Choctaws,----- | 1    |
| Decision of the Commission identifying the<br>above applicants,-----                               | 7    |

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Ridgely, Mississippi, January 7th, 1902.

In the matter of the application of Sophia Willis for the identification of herself and her seven minor children, Watson Hinson, Leona Willis, Spink Willis, Koen Willis, Finis Willis, Cora Willis and Harmin Willis, as Mississippi Choctaws.

Said Sophia Willis, being first duly sworn, testified as follows:-  
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Sophia Willis.  
Q How old are you? A Thirty-three.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Hope.  
Q Neshoba County, Mississippi? A Yes.  
Q How long have you lived in Neshoba County? A Lived there all my life.  
Q Is your father living? A Yes.  
Q What is his name? A Jim Isaac.  
Q Has he a Choctaw name? A Tim-cha.  
Q Has Jim always lived in the State of Mississippi? A Yes.  
Q Do you know the name of his father or of his mother? A Isaac was his father.  
Q Is Isaac living or dead? A Dead.  
Q Did he always live in the State of Mississippi? A I don't know.  
Q Was he a full blood Choctaw? A Yes, I reckon so.  
Q Do you know the name of your father's mother? A I don't know.  
Q Is your mother living? A Yes.  
Q What is her name? A Mary.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in the State of Mississippi? A Yes.  
Q Has she a Choctaw name? A I don't know.  
Q Where does she live now? A Near Hope.  
Q Do you know the name of Mary's mother or the name of her father? A I don't know either one of them.  
Q So far as you know have all of your ancestors been full blood Choctaw Indians? A Yes.  
Q And have all of them always lived here in Mississippi? A Yes.  
Q Are you married? A Yes.  
Q Is your husband living? A Yes.  
Q What is his name? A Johnson Willis.  
Q Is he a full blood Choctaw? A Yes.  
Q Are you living with him at this time? A No.  
Q How long have you been separated from him? A A year ago last Christmas.  
Q Were you married to him under a license or according to the Choctaw custom? A Choctaw custom.  
Q How long did you live with him? A About thirteen years.  
Q Is he the Johnson Willis who appeared before the Commission at Meridian, Mississippi, on the 18th day of last July and made application for identification as a Mississippi Choctaw? A I don't know.  
Q Do you know whether he has been before the Commission this year? A I don't know.  
Q Where does he live now? A I don't know.
- 1

Sophia Willis et al---2

- Q You don't care to make application for him then? A No.  
Q Have you been married more than once? A Yes.  
Q How many times? A Once before.  
Q What was your first husband's name? A Hinson.  
Q What was his other name? A I don't know.  
Q Have you any children who are over age or married? A Yes.  
Q How many? A One.  
Q What is his name? A Simon Hinson.  
Q What is the name of his wife? A Nancy.  
Q Where do they live? A Hope.  
Q Have you any children under 21 years of age and unmarried for whom you want to make application? A Yes.  
Q How many? A Seven.  
Q What are their names and ages? A Watson.  
Q How old is Watson? A About fifteen.  
Q What is the name of Watson's father? A Hinson.  
Q Was Hinson a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q Did he have any other name besides Hinson? A No.  
Q How long has he been dead? A I don't know.  
Q Was he older than you or younger than you? A Older.  
Q How much older? A About two years.  
Q Is Hinson's father living? A No.  
Q Or his mother? A I don't know.  
Q Do you know the names of either of them? A No.  
Q Are you sure Hinson was a full blood Choctaw? A Yes.  
Q Have you any other children by Hinson except Watson and Simon? A No.  
Q All of your other children are by Johnson Willis? A Yes.  
Q What are their names and ages? A Leona, about thirteen.  
Q Next one? A Spink.  
Q How old is Spink? A Eleven.  
Q Is Spink a boy or girl? A Boy.  
Q What is the next one? A Koen.  
Q Is Koen a boy? A Yes.  
Q How old is he? A Seven years old.  
Q Next one? A Finis.  
Q Is Finis a boy or girl? A Boy.  
Q How old is he? A Three years old.  
Q Next one? A Cora.  
Q How old? A Two years old.  
Q Next one? A Harmin.  
Q How old is Harmin? A Three months old.  
Q Are these six children all the children of yourself and Johnson Willis? A Yes.  
Q Are they all living with you at this time? A Yes.  
Q Is Watson living with you at this time? A No.  
Q Where does Watson live? A With my father, Jim Isaac.  
Q This application is for yourself and seven minor children, is that correct? A Yes.  
Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of that Tribe? A No.

Sophia Willis et al---3

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or anyone of these children or did anyone else make such an application for you? A No.

Q Has any application ever been made before today for yourself or any of these children? A Yes, at Philadelphia three years ago.

The records of the Commission show that on the 31st day of January, 1899, Jim Isaac appeared before the Commission and made application for the identification of this applicant and two of her children, Simon Hinson and Watson Hinson, as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 229, also upon page 64 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, being numbers 785, 786 and 787 respectively thereon. The testimony of said Jim Isaac given at that time, is as follows:-

"I have another daughter named Sophia Hinson, thirty two years old, whose husband is dead. She has a child named Simon, seventeen years old, and one named Watson, twelve years old."

The records of the Commission further show that on the 2nd day of February, 1899, Johnson Willis appeared before the Commission at Philadelphia, Mississippi, and made application to the Commission for the identification of himself and wife Sophia, and four minor children, Leona, Spink, Koen and Finis, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 305, also upon page 75 of the schedule, being numbers 1069, 1070, 1071, 1072, 1073 and 1074 respectively thereon. There can be no doubt that Sophia Hinson, whose name appears upon M.C.C. Field No. 229 and Sophia Willis, whose name appears upon M.C.C. Field No. 305, are one and the same person.

Q Are the applications just referred to by the Commission the only applications of any kind that have ever been made for yourself or any of these children? A All I know of.

Q When was your oldest son Simon married? A About a year ago.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you know the name of the father of Johnson Willis? A No.

Q Or the name of his mother? A Yes.

Q What is her name? A Martha Jacobs, lives at Hope now.

Q About how old is Martha? A I don't know.

Q Do you know the name of any other ancestor of Johnson Willis?

A No.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek

A Yes.

Q Did any of your ancestors or any of the ancestors of either of your husbands ever comply or attempt to comply with the provisions



of this 14th article or ever receive any benefits under it? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Never heard.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A Never heard.

Q Did any of them ever get any land here in Mississippi from the Government? A Never heard.

Q Or any money? A Never heard that.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly



Sophia Willis et al---5

appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to hear but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings; so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many more of these cases.

Q Did any of your ancestors or any of the ancestors of your husbands ever appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of the ancestors of either of your husbands ever receive any of this scrip from the Government of the United States under this act of Congress? A Not that I ever heard.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of the ancestors of either of your husbands ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before the Commission here at Edinburg at any time before the 10th of this month, at Meridian, Mississippi, between January 15th and February 15th, or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Sophia Willis et al---6

Q Is Jim Isaac who appeared here before the Commission yesterday your father? A Yes.

Special reference is here made to the testimony of Jim Isaac in the matter of the application made by him to the Commission at this place on the 6th inst., for the identification of himself and wife as Mississippi Choctaws.

Q Have you any brothers living? A Yes.

Q How many? A Four.

Q What are their names? A Dixon Jim, Adam Jim, Steve Jim, and Willson Jim Isaac.

Q Have you any sisters living? A One.

Q What is her name? A Nancy Wait.

Q Have you any brothers or sisters dead? A I don't know.

Q Are any of the brothers or sisters of your first husband living?

A I don't know.

Q Are any of the brothers or sisters of your second husband living?

A One brother living, and one sister.

Q What are their names? A Gus Willis and Lillie, she is the wife of my brother Steve Jim.

Q Has your second husband any brothers or sisters who are now dead?

A I don't know.

Q Are any of the brothers or sisters of your first husband's father or any of their children living? A I don't know.

Q Are any of the brothers or sisters of your first husband's mother or any of their children living? A I don't know.

Q Are any of the brothers or sisters of your second husband's father or any of their children living? A I don't know.

Q Are any of the brothers or sisters of your second husband's mother or any of their children living? A I don't know.

This applicant has the appearance of being a full blood Indian-speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Edinburg, Mississippi, January 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 10th day of January, 1902, at Edinburg, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

6 By *[Signature]* Deputy.

*Over*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Sophia Willis, et al.,  
for identification as Mississippi Choctaws, M C R 4496.

-----D E C I S I O N-----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on January 7, 1902, by Sophia Willis, for herself, and her seven  
minor children, Watson Hinson, and Leona, Spink, Koen, Finis, Cora  
and Harmin Willis, under the following provision of the act of  
Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary there to and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations  
September 25, 1902, provides as follows:

"The application of no person for identification as a  
Mississippi Choctaw shall be received by said Commission after  
six months subsequent to the date of the final ratification of  
this agreement and in the disposition of such applications all

2.

full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sophia Willis, Watson Hinson, Leona Willis, Spink Willis, Koen Willis, Finis Willis, Cora Willis and Harmin Willis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

H.C.R. 4496

Muskogee, Indian Territory, February 21, 1903.

Kansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Sophia Willis and her minor children, Watson Kinson, Leona Willis, Spink Willis, Koen Willis, Finis Willis, Cora Willis and Harmin Willis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sophia Willis and her children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Dixby*

Registered

Enclosure G.H. 61

Acting Chairman



COPY.

H.C.R. 4496

Muskegee, Indian Territory, March 11, 1903

Sophia Willis,

Hope, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, and your minor children, Watson Hinson, Leona Willis, Spink Willis, Keen Willis, Finis Willis, Gera Willis and Harmin Willis as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw- Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Muskogee, Indian Territory.

Yours truly,

James Dixon.

Chairman.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Cora Nellie*

as a citizen of

MISSISSIPPI CHOCTAW.

*Notion.*

Approved, ..... 190.....  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
Commissioner.

*The Miss Cho Card I will use soon*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

Acting ~~Commissioner~~ *Chairman*.

MISSISSIPPI CHOCTAW. +300-

4496

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 15 1902

*[Signature]*

ACTING CHAIRMAN.

See Miss Choce Card Guide No 305

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Identification  
IN RE Application for Enrollment, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of Cora Willis, born on the 7 day of Jan, 1900.  
(Here insert name of child.)  
Name of Father: Johnson Willis, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Sophia Willis, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office, Hopewell Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi,  
County of Leake,  
I, Sophia Willis

, on oath state that I am 33  
years of age and a citizen by Full Blood, of the Choctaw Indian Nation;  
that I am the lawful wife of Johnson Willis, who is a citizen of the  
Full Blood, of the Choctaw Indian Nation, that a female child was  
(male or female.)  
born to me on the 7 day of Jan, 1900; that said child has been  
named Cora Willis, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Guy L. V. Emerson  
Osceola Billy  
Sophia Willis  
mark

Subscribed and sworn to before me this 7 day of Jan, 1902.

L. B. Mosely, Clerk  
U. S. Circuit Court, S. D. of Mississippi  
By John D. C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi,  
County of Leake,  
I, Lillie Jim

, on oath state that I  
attended on Mrs Sophia Willis, wife of Johnson Willis,  
on the 7 day of Jan, 1900; that there was born to her on  
said date a Female child; that said child is now living and is said to have been  
named Cora Willis.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

Osceola Billy  
A. D. Street  
Lillie Jim  
mark

Subscribed and sworn to before me this 8<sup>th</sup> day of Jan, 1902.

L. B. Mosely, Clerk  
U. S. Circuit Court, S. D. of Mississippi  
By John D. C.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Harmin Willis*

as a citizen of

MISSISSIPPI CHOCTAW.

Nation.

Approved,

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

190

Commissioner.

*See Mrs. Choe said child is not*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

As Commissioner.

MISSISSIPPI CHOCTAW #305

4496

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JAN 15 1902

*[Signature]*

ACTING CHAIRMAN.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of Harmin Willis, born on the 28 day of September, 1901  
(Here insert name of child.)  
Name of Father: Johnson Willis, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Sophia Willis, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office, Hope, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
State of Mississippi District. }  
County of Leake

I, Sophia Willis, on oath state that I am 33  
years of age and a citizen, by Full Blood, of the Choctaw Indian Nation;  
that I am the lawful wife of Johnson Willis, who is a citizen, by  
Full Blood, of the Choctaw Indian Nation, that a Male child was  
(male or female.)  
born to me on the 28 day of September, 1901; that said child has been  
named Harmin Willis, and is now living.

WITNESSES TO MARK: Sophia Willis  
(Must be Two Witnesses) { Guy L. V. Emerson  
Oscar Billy

Subscribed and sworn to before me this 7 day of Jan, 1902.

L. B. Moseley, Clerk  
U.S. Circuit Court for S.D. of Mississippi  
By J. M. [Signature] CC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
State of Mississippi District. }  
County of Leake

I, Lillie Jim, on oath state that I  
attended on Mrs. Sophia Willis, wife of Johnson Willis,  
on the 28 day of September, 1901; that there was born to her on  
said date a Male child; that said child is now living and is said to have been  
(male or female.)  
named Harmin Willis.

WITNESSES TO MARK: Lillie Jim  
(Must be Two Witnesses) { Oscar Billy  
R. D. Street

Subscribed and sworn to before me this 8<sup>th</sup> day of Jan, 1902.

L. B. Moseley, Clerk  
U.S. Circuit Court for S.D. of Mississippi  
By J. M. [Signature] CC.

1615

No. 4496

For Identification as a Mississippi Choctaw.

Edinburg Miss

Date JAN 7 1902

Name Sophia Willis

Age 3.3 Blood full-

Post Office, Hope, Miss

Father: Jim Isaac L

Mother: Mary Jim - Cha Isaac. L

Claims through both parents.  
Husband -

Johnson Willis (full) L

Mother of " = Martha Jacobs. L

H... of 7... 1... of  
Nos. 3 4 5 6 7 8 9 30 35

Children:

Nation Ninson 15  
Father = Ninson (full) d

Lena Willis 13

Spink " (M) 11

Koen " (M) 7

Finis " (M) 3

Cora " 2

Harmon " 3m

(Claims for self, and 7 minor children.)  
Miss. Cho cards filed No 229 and 305  
as to Sophia. No. 229 as to Nation  
No. 305 as to Lena, Spink, Koen, Finis)

Father of Jim Isaac = Isaac. d

Stenographer

J S Miles

*Sophia Willis et al*

IDENTIFIED

*R. 4496*

DECISION RENDERED FEB 11 1903

COPY OF DECISION FORWARDED  
TO THE DEPT. OF COMMERCE  
FOR THE INDIAN BUREAU  
MAR 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903



Choctaw MCR 4497

Ike Jimmy

MCR 4497

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Ike Jimmy for  
identification as a Mississippi  
Choctaw, M C R 4497.

-o-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Ike Jimmy for identification as a Mississippi Choctaw, M C R 4497.

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---: I N D E X :---

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| Original application of Ike Jimmy for<br>identification as a Mississippi Choctaw,----- | 1    |
| Decision of the Commission, identifying<br>the above applicants,-----                  | 7    |

-o-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Edinburg, Mississippi, January 7, 1902.

In the matter of the application of Ike Jimmy for identification as a Mississippi Choctaw.

Ike Jimmy, having been first duly sworn, upon his oath testified as follows: (Oscar Hilley, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Ike Jimmy.  
Q How old are you? A About twenty eight.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Franks, Mississippi.  
Q Heshoba County, Mississippi? A Yes.  
Q How long have you lived in Heshoba County? A Been living there all my life.  
Q Is your father living? A No, he dead.  
Q What was his name? A Tebs Jimmy.  
Q Was he a full blood Choctaw? A Yes.  
Q How long has he been dead? A Been dead about fifteen years.  
Q Did he have a Choctaw name? A Yes.  
Q What was it? A Shun-i-e-tubba.  
Q Did he always live here in the State of Mississippi? A Yes.  
Q Do you know the name of his father? A Yes.  
Q What is it? A Jimmy.  
Q Is he living? A No.  
Q Did he have a Choctaw name? A Yes.  
Q What was it? A I-na-ta.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live here in Mississippi? A Yes.  
Q Did you know him? A I don't know him, but that's what they told me.  
Q You never saw him? A No, sir.  
Q Do you know the name of your father's mother? A No.  
Q Is your mother living? A Yes.  
Q What is her name? A Louisa Philip.  
Q Is she a full blood Choctaw? A Yes.  
Q Where does she live? A She lives close to Franks.  
Q Has she always lived in Mississippi? A Yes.  
Q About how old is she? A She is about sixty years old.  
Q Has she a Choctaw name? A No, sir, just Louisa; that's all.  
Q Was your father older or younger than your mother? A My father was the oldest.  
Q How many years the oldest do you think? A About eight years the oldest.  
Q Do you know the name of Louisa's mother? A Yes, sir, name Mary.  
Q Do you know the name of her father? A No, sir, I don't know.  
Q Did Louisa's mother, Mary, have a Choctaw name? A No, sir, I don't think so.  
Q How long has she been dead? A A long time; I reckon about twenty four years.  
Q Was she a full blood Choctaw? A Yes.  
Q So far as you know, have all of your ancestors been full blood

Ike Jimmy, et al., 2.

Choctaws? A Yes, sir.

Q And they have always lived here in Mississippi, have they?

A Yes.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A No, sir.

Q Did any of them ever live in Indian Territory? A No, sir.

Q Are you married? A No, sir.

Q Have you ever been married? A No, sir.

Q This application, then, is for yourself only, is it? A Yes, sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A Yes.

Q Did you ever go by the name of Ike Tobe? A Yes, that's what they all called me a while, but that's not right.

Q Did you give in your name, in 1896, as Ike Tobe? A Yes.

The name of this applicant appears in the case of Jack Amos et al., versus Choctaw Nation, as Ike Tobe. The original application in this case was filed with the Commission on the 10th day of September, 1896, and on December 1, 1896, the Commission denied said application and an appeal was taken to the United States District Court for the Central Judicial District of Indian Territory at South McAlester, Indian Territory, which said Court on the 25th day of August, 1897, affirmed the decision of the Commission, and a further appeal was taken to the United States Supreme Court, where the decision of the lower court was affirmed.

Q Have you ever made any other application of any kind besides this one in 1896? A Three years ago at Philadelphia, my cousin, Charley Jacoway, gave in my name.

The records of the Commission show that on the 31st day of January, 1899, Charley Jacoway appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 270; also, upon page 70 of the Schedule which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Number 916 thereon. The testimony of said Charley Jacoway at that time being as follows: "I have a cousin named Ike Jacoway, who is about twenty five years old and is a full blood Choctaw. He has no wife or children."



Ike Jimmy, 3.

- Q Did you ever go by the name of Ike Jacoway? A No sir, he just made a mistake.
- Q How do you account for your cousin, Charley, making that mistake?
- A I don't know, I just reckon he come as nigh to it as he could.
- Q But your name is Ike Jimmy, and you desire to have a record made of it that way at this time? A Yes.
- Q Are these two applications, the only applications of any kind that have ever been made for you? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q You have heard it explained several times here to-day? A Yes.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits under it? A No, sir, not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made, seventy one years ago? A I don't know.
- Q Were any of them living here at that time? A I don't know.
- Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.
- Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know they wanted to stay here in Mississippi and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A No, sir, I don't think they did.
- Q Did you ever hear of any of your ancestors ever claiming, or ever having gotten any land here in Mississippi from the Government?
- A No, sir.
- Q Or any money from the Government? A No, sir.
- Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had im-



Ike Jimmy , 4.

provements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit creek. This action of the Government caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here, nearly sixty five years ago, and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases. They held sessions here in Leake County and in all this adjoining country here.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

This Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip. ~~Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?~~

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Did you ever see, or hear of, any deed or patent, issued to any of your ancestors covering land here in Mississippi received from the Government of the United States? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit

Ike Jimmy, 5.

Creek, or ever received any benefits thereunder? A No, sir.

Q Any witnesses here to-day? A No, sir.

Q If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application, they may appear before the Commission at any time prior to the 10th of this month here at Edinburg, or between the 15th of this month and the 15th of next month at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A Yes, I got two whole brothers and one half brother.

Q What are their names? A Frank my full brother and Will my whole brother, and Dave Philip is another man's son, a half brother.

Q What other name does Frank go by? A Jimmy.

Q Is he married? A Yes.

Q What name does Will go by? A Will Jimmy.

Q Is he married? A Yes.

Q What's his wife's name? A Viola.

Q Have you any sisters living? A Yes.

Q How many? A Got three whole sisters living.

Q Any half sisters? A Yes, one.

Q What's her name? A Neecy Philip.

Q That's a little girl? A About thirteen years old.

Q Are your three full sisters married? A Yes.

Q What are their husband's names and their names? A The oldest one died; what is living, the oldest one name Bettie John, the wife of Sidney John.

Q The next one? A Alice Bell, wife of Silman Bell.

Q The next one? A Fabie Jim, wife of Adam Jim.

Q Is that all? A Yes, that's all the whole ones.

Q Now you have one full sister dead? A Yes.

Q Did she leave children? A Yes, sir.

Q Are any of those children living? A Yes.

Q How many? A Four.

Q What's the name of their father? A Davis Hickman.

Q Do these children live with their father? A No, sir, their grand mother, my mother.

Q All four of them? A Yes, sir.

Q What are their names? A Name Neely.

Q Give the others? A Neely Hickman.

Q The next one? A Ozie.

Q The next one? A Waben

Q The next one? A Ellen.

Q Was their mother living three years ago when the Commission was here? A Yes.

Q Are any of your father's brothers or sisters, or any of their children living? A No, sir.

Q Are any of your mother's brothers or sisters or any of their children living? A No, sir.

Ike Jimmy, C.

(This applicant has the appearance of being a full blood Indian; he speaks and understands the Choctaw language, also speaks and understands English, this examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 7th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Edinburg, Mississippi, this 10th day of January, 1902.

*L. D. Maschay*

Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

*Cover*  
In the matter of the application of Ike Jimmy for identification as a Mississippi Choctaw, M C R 4497.

----- : D E C I S I O N : -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on January 7, 1902, by Ike Jimmy, for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not

moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of

September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ike Jimmy should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
C. R. Brainerd.  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903



COPY.

M.C.R. 4497

Muskogee, Indian Territory, February 21, 1903.

Manfield, McMurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Ike Jimmy as a Mississippi Choctaw Indian under the provisions of the forty first-section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ike Jimmy as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tams Bixby.*

Acting Chairman.

Registered.

Enc. N7, 11



COPY.

M.C.R. 4497

Muskogee, Indian Territory, March 11, 1903.

The Jimmy,

Franks, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 2, 1902, (32 stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Jane Bixby.*

(SIGNED)

Chairman.

Registered.

Enc. 4497

M C R 3012  
M C R 3213  
M C R 4497

Muskogee, Indian Territory, April 22, 1903.

M. P. Foy,

Starrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask if the following named persons have been identified as Mississippi Choctaws:

Charley Jacoway  
Dave Jacoway  
Martin Jacoway  
Omer Jacoway  
Rene Jacoway.

Ike Jacoway  
Manda Jacoway  
Elsie Jacoway  
Bealy Jacoway

In reply you are informed that it appears from our records that all the above mentioned persons, with the exception of Ike Jacoway, are applicants to this Commission for identification as Mississippi Choctaws. The Commission has not yet determined the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

On January 7, 1902, Ike Jimmy made application to this Commission for identification as a Mississippi Choctaw, and on February 14, 1903, the Commission rendered its decision identifying him as a Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action he was duly

X P P 2

notified by registered mail at Franks, Mississippi, on March 21, 1933.

When Ike Jimmy made application to this Commission in the year 1939, for identification as a Mississippi Choctaw, he gave his name as Ike Jacoway, and it is presumed that this is the Ike Jacoway mentioned in your letter.

The powers of attorney enclosed by you are herewith returned.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Edinburg, Miss.

Date

JAN 7 1902

Name Ike Jimmy

Age 28

Blood

full

Post Office,

Franks, Miss.

Father

Iobr Jimmy

d

Shun-i-o-stubbee

Mother

Louisa Philip

L

Claims through

Both parents.

{Claims for self only.}

{See Miss. Choctaw card file No. 270.}

Children:

Father of Iobr - Jimmy Ina-ta.

d

Mother of Louisa - Mary

d

Stenographer

R. S. Street.

*Ke Jimmy*

IDENTIFIED

*R. 4497*

DECISION RENDERED FEB 11 1903

OF DECISION FORWARDED

FOR CHOCTAW AND

CHEROKEE NATIONS

FEB 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

*P.O. 4/18/03*

*Stewart, J. T.*

*% M. P. Foy*

Choctaw MCR 4498

Silman Bell

MCR 4498



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Silman Bell, et al.,  
for identification as Mississippi Choctaws,

M C R 4498.

--o--

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---oOo---

In the matter of the application of Silman Bell, et al.,  
for identification as Mississippi Choctaws, M C R 4498.

---o---

---: I N D E X :---

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|  | Page |
|--|------|
| Original application of Silman Bell, et al.,<br>for identification as Mississippi Choctaws,----- | 1    |
| Decision of the Commission identifying the<br>above applicants,-----                             | 7    |

4498

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Edinburg, Mississippi, January 7, 1902.

In the matter of the application of Silman Bell for the identification of himself, his wife, Alice, and three minor children, Thompson, Nicholas, and Eamon, as Mississippi Choctaws.

Silman Bell, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Silman Bell.  
Q How old are you? A About thirty three.  
Q How much Choctaw blood have you? A Full blood Choctaw.  
Q Have no white blood, at all? A No.  
Q What is your post office address? A Franks, Mississippi.  
Q How long have you lived in Neshoba County? A All my life.  
Q Is your father living? A No.  
Q What was his name? A Nicholas Bell.  
Q How long has he been dead? A I don't know, been dead when I was little boy.  
Q You don't remember him, then? A No.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q Did he have a Choctaw name? A I don't know; that's all I know.  
Q Do you know the name of his father? A No.  
Q Or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A I don't know; she's dead when I was little baby.  
Q Never did hear what her name was? A No.  
Q Do you know the name of her father, or her mother? A No.  
Q What makes you think she was a full blood Choctaw? Did you ever hear any one say? A Yes, some of my old folks tell me about it.  
Q You have always understood, then, that your father was a full blood Choctaw and your mother was a full blood Choctaw? A Yes.  
Q You don't know the names of any one of your ancestors, except that of your father? A That's all.  
Q Are you married? A Yes.  
Q Have you been married more than once? A That's all.  
Q Just once? A Yes.  
Q Are you living with your wife at this time? A Yes.  
Q Has she been married more than once? A No, just once.  
Q How much Choctaw blood has she? A Full blood.  
Q Do you want to make application for her too? A Yes.  
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.  
Q What's your wife's name? A Alice.  
Q How old is she? A About twenty seven.  
Q Has she always lived here in Mississippi? A Yes.  
Q Is her father living? A No.  
Q What was his name? A Tebe Jimmy.  
Q Was he a full blood Choctaw? A Yes.

Silman Bell, et al., 2.

- Q Did he always live in Mississippi? A Yes.  
Q Did he have any other name besides Tobe Jimmy? A No.  
Q Do you know the name of his father, or his mother? A No.  
Q Is your wife's mother living? A Yes.  
Q What's her name? A Louisa Philip.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived here in Mississippi? A Yes.  
Q Has she a Choctaw name? A No.  
Q Do you know the name of her father or her mother? A No.  
Q All of your wife's ancestors, so far as you know, have been full blood Choctaws, have they? A Yes.  
Q And have they always lived here in Mississippi? A Yes.  
Q Have you any children living? A Yes.  
Q How many? A Three.  
Q What are their names and ages? A Thompson.  
Q How old? A Five years old.  
Q Next one? A Nicholas.  
Q How old is he? A Three.  
Q The next one? A Emma, two years old.  
Q That all? A Yes, that's all.  
Q Are these children all three living with you at this time?  
A Yes.  
Q Are they all three the children of yourself and Alice Bell? A Yes.  
Q This application, then, is for yourself and your wife and three minor children, is that correct? A Yes.  
Q Is your name or your wife's name, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No. authorities  
Q Did you ever make application to the Choctaw tribal rolls in Indian Territory for yourself or your wife to be admitted or enrolled as members of that tribe? A No.  
Q Did you in the year 1896, make application to this commission for citizenship in the Choctaw Nation for yourself or wife under the Act of Congress approved June 10, 1896? A Yes.

The names of this applicant, his wife, Alice, and minor child, Thompson, appear in the case of Jack Amos, et al., versus the Choctaw Nation. The original application in this case was filed with the Commission on September 10, 1896; on December 1, 1896, the Commission denied said application, and an appeal was taken to the United States District Court for the Central Judicial District of Indian Territory, at South McAlester, Indian Territory, which said Court on August 25, 1897, affirmed the decision of the Commission, and a further appeal was taken to the United States Supreme Court where the decision of the District Court was affirmed.

- Q Have you ever made any other application besides this one you made in 1896? A Yes, at Philadelphia, in 1899.

The records of the Commission show that on the 31st day of January, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Alice,

Silman Bell, et al., 3.

and two minor children, Thompson and Nicholas, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number, 178; also, upon page 57 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes, to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands, in Indian Territory, under the provisions of article 14 of the Treaty of Dancing Rabbit Creek, being Numbers 609, 610, 611 and 612, respectively, thereon.

Q Are these two applications just referred to the only applications of any kind that have ever been made for you, or your wife or any of these children? A That's all.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q You understand that 14th article, don't you? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in the year 1830, when this treaty was made? A Not that I know of.

Q Were any of them living here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty, or under the supplement to that treaty? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government? A I don't know.

Q You never heard of it, if they did? A No, never heard.

Q Did any of them ever get any money from the Government? A I don't know.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.



Silman Bell, et al., 4.

treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the Government under this Act of



Silman Bell, et al., 5.

Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No.

Q Have you any witnesses here to-day whose testimony you desire to have taken in support of your application? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear at Edinburg, Mississippi, at any time prior to the tenth of this month, or at Meridian, Mississippi, between the 10th of this month and the 15th of next month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No.

Q Have you any brothers living? A No.

Q Any sisters? A No, all dead.

Q Any of them leave children? A No.

Q Are any of your wife's brothers or sisters living? A Yes.

Q How many brothers are living? A Three.

Q What are their names? A Ike, Jimmy.

Q Next one? A Frank and Will Jimmy.

Q Has she any brothers dead who left children? A No.

Q Has your wife any sisters living? A Yes.

Q How many? A Three.

Q What are their names? A Bettie John, the wife of Sidney John.

Q The next one? A Fable Jim, the wife of Adam Jim.

Q The next? A Niece, a half sister.

Q Is that all? A Yes.

Q Has she any half brothers living? A No.

Q Niece Phillip that is? A Yes.

Q Has your wife any brothers or sisters dead who left children? A Yes.

Q How many? A One sister dead that left four children.

Q What was the name of that sister? A Lillie Hickman, wife of Davis Hickman.

Q With whom do these children live at this time? A With their grand mother, Louisa Phillip, my wife's mother.

Q Are any of your father's brothers or sisters, or any of their children living, or grand children living? A No.

Q Are any of your mother's brothers or sisters, or any of their children or grand children living? A No.

Q Are any of your wife's father's brothers or sisters, or any of their children living? A I don't know.

Q Are any of your wife's mother's brothers or sisters, or any of their children living? A I don't know.

(This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

Silman Bell, et al., v.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 7th day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Edinburg, Mississippi, this 9th day of January, 1902.

*L. B. Moody*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By

*J. M. ...*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

*over*

In the matter of the application of Silman Bell, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4498.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on January 7, 1902, by Silman Bell, for himself, his wife, Alice Bell, and his three minor children, Thompson, Nicholas, and Emmon Bell, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicants are full-blood Mississippi Choctaw Indians.

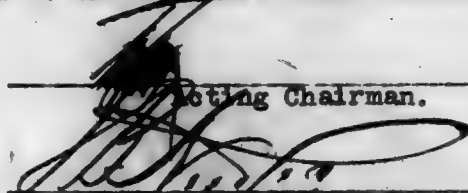
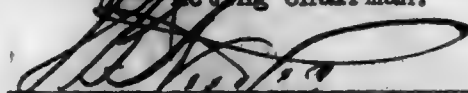
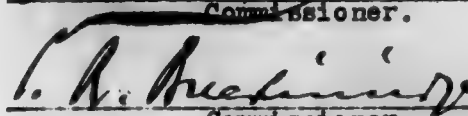
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of,

any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Silman Bell, Alice Bell, Thompson Bell, Nicholas Bell and Eamon Bell should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1903



CONF.

M.S.B. 4498

Muskogee, Indian Territory, February 21, 1903.

Manafield, McMurray & Garnish,

Attorneys for the Choctaw and Chickasaw Nations,

Muskogee, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Silman Bell, his wife Alice Bell and his minor children, Thompson Bell, Nicholas Bell and Emma Bell as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 3, 1902 (32 Stat. 611).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Silman Bell, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by the Commission.

Respectfully,  
SIGNED

*James Blahy*  
Acting Chairman

Registered  
Enclosure 3, 24 02

PY.

COPY.

M.C.R. 4498

Waukegan, Indian Territory, March 11, 1903.

Silman Bell,

Franks, Mississippi

Dear Sir:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife Alice Bell and your minor children, Thompson Bell, Nicholas Bell and Emma Bell, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tahlequah, Chickasaw Nation.

Respectfully,

(SIGNED)

James Bixby

Chairman

Registered

Enclosure 4498



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

*Identification*  
Application for Enrollment of

INFANT CHILD

*Cannon Bell.*

as a citizen of

MISSISSIPPI CHOCTAW.

Approved, \_\_\_\_\_ 190

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Commissioner.

*See Miss Choc Card Serial No 178*

As within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*  
Acting Commissioner.

*4498*

MISSISSIPPI CHOCTAW. #178

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 15 1902

*[Signature]*  
Acting Chairman.

Miss Choctaw field No. 178.

BIRTH AFFIDAVIT.

- FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> Enrollment, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of Emmon Belle, <sup>about</sup> born on the 19 day of October, 1899  
(Here insert name of child)  
Name of Father: Silman Belle, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Alice Belle, a citizen of the MISSISSIPPI CHOCTAW Nation.  
Post-office, Grands, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

<sup>IN THE TERRITORY</sup>  
State of Mississippi District.  
County of Pearl

Alice Belle, on oath state that I am about 27  
years of age and a citizen by Full Blood of the Choctaw Indian Nation;  
that I am the lawful wife of Silman Belle, who is a citizen by  
Full Blood of the Choctaw Indian Nation, that a male child was  
<sup>about</sup> born to me on the 19th day of October, 1899; that said child has been  
named Emmon Belle and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Guy L. V. Emerson  
Oscar Billy Alice Belle mark

Subscribed and sworn to before me this

9 day of January, 1902.

L. B. Moseley, Clerk

U. S. Circuit Court for Dist. of Mississippi  
By J. M. D. C.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

<sup>IN THE TERRITORY</sup>  
State of Mississippi District.  
County of Pearl

Silman Belle, on oath state that I  
attended on Mrs. Alice Belle my wife x  
<sup>about</sup> on the 19 day of October, 1899; that there was born to her on  
said date a male child; that said child is now living and ~~has~~ been  
named Emmon Belle.

WITNESSES TO MARK:

(Must be Two Witnesses)

Guy L. V. Emerson  
Oscar Billy Silman Belle mark

Subscribed and sworn to before me this

7 day of October, 1902.

L. B. Moseley, Clerk

U. S. Circuit Court for Dist. of Mississippi  
By J. M. D. C.

No. 4198

For Identification as a Mississippi Choctaw.

Edinburg, Miss. JAN 7 1902

Date

Name Silman Bell

Age 33

Blood full

Post Office, Franks, Miss.

Father, Nicholas Bell d

Mother: don't know d

Claims through both parents  
wife Alice Bell (full) 27 d

Father John Jimmy Philip L

Mother Louisa Philip L  
(Claims for self, wife and 3 children  
(see Miss. Choct. card filed No. 178.)

Children:

Thompson Bell 5

Nicholas " 3

Emmon " 2

Names of all ancestors whose  
names are known are shown  
hereon.

Stenographer

R. I. Street.

MISSISSIPPI CHOCTAW.

*Silman Bell. d ab*

IDENTIFIED

*R.4498*

DECISION RENDERED

FEB 11 1903

THE DECISION IS RENDERED

IN THE CHOCTAW AND

KASAW NATION

FEB 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

END

OF

ROLL

